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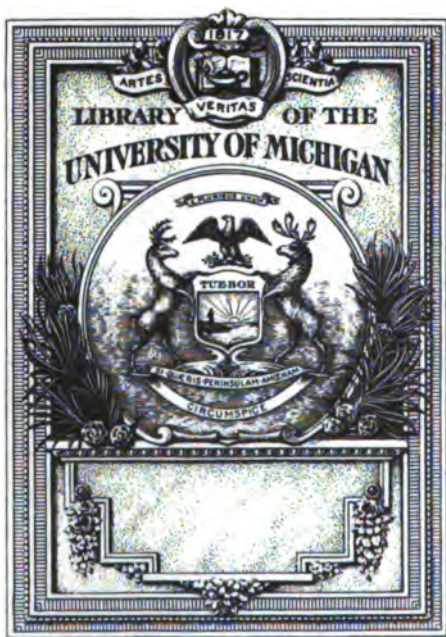
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JOURNAL

OF THE

S E N A T E

OF THE

STATE OF OHIO;

BEING THE FIRST SESSION OF THE

FORTIETH GENERAL ASSEMBLY,

HELD IN THE CITY OF COLUMBUS, AND COMMENCING

MONDAY, DECEMBER 6, 1841.

COLUMBUS:

SAMUEL MEDARY, PRINTER TO THE STATE.

1841.



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JOURNAL OF THE SENATE.

CITY OF COLUMBUS,

MONDAY, DECEMBER 6, 1841.

At the first session of the fortieth General Assembly of the State of Ohio, under the Constitution of said State, convened at the city of Columbus, on Monday the sixth day of December, A. D., 1841, being the first Monday of said month, the following members, qualified at the last session, appeared and took their seats, to wit:

From the County of

Hamilton—George W. Holmes.

Butler and Preble—Robert Hazeltine.

Medina and Lorain—James S. Carpenter.

Huron and Erie—Joseph M. Root.

Trumbull—John Crowell.

Wayne—John H. Harris.

Stark—Jacob Hostetter.

Licking—Burrell B. Taylor.

Fairfield and Pickaway—Samuel Spangler.

Knox and Coshocton—Byram Leonard.

Holmes and Tuscarawas—Benjamin Ream.

Crawford, Delaware and Marion—James H. Godman.

Franklin, Madison and Clark—Alexander Waddle.

Montgomery—Joseph Barnett.

Warren and Greene—Isaac S. Perkins.

Miami, Darke, Mercer and Shelby—William I. Thomas.

Seneca, Sandusky, Wood, Ottawa and Hancock—John Goodin.

Portage and Summit—Elisha N. Sill.

The following Senators, also, appeared, produced certificates of their election, and, being duly qualified by taking the oath prescribed by the Constitution of the State of Ohio, took their seats in the Senate, to wit:

Morgan, Perry and Washington—Alexander McConnell and John Ritchey.

Champaign, Logan and Union—Benjamin Stanton.

Hamilton—James J. Faran.

Belmont and Harrison—Chauncey Dewey.

Clermont, Brown and Clinton—Griffith Foos, jr.
Jefferson and Carroll—James Mitchell.
Columbiana—Charles M. Aten.
Gallia, Lawrence and Scioto—Simeon Nash.
Adams, Highland and Fayette—William Robbins.
Muskingum—James Henderson.
Richland—Thomas W. Bartley.
Hocking, Ross, Pike and Jackson—Allen Latham.
Guernsey and Monroe—William C. Walton.
Lucas, Williams, Henry, Paulding, Putnam, Vancort, Allen and Hardin—Jacob Clark.
Ashtabula and Lake—Benjamin Wade, jr.
Cuyahoga and Geauga—Seabury Ford.
Athens and Meigs—Abraham Van Vorhes.

A quorum of the members being present, they proceeded to elect a Speaker, *pro tempore*, and upon counting the ballots, there appeared to be for

James J. Faran	18 votes.
William I. Thomas	15 "
Blank and scattering	2 "

James J. Faran, having received a majority of all the votes given, was declared duly elected Speaker of the Senate, *pro tempore*, and being conducted to the chair, returned his thanks to the Senators for their partiality in selecting him as their presiding officer.

The Senate then proceeded to the election of a Clerk, *pro tempore*, which resulted as follows:

Thomas J. Morgan received	19 votes.
Smithson E. Wright	16 "
Blank	1 "

Thomas J. Morgan, having received a majority of all the votes given¹ was declared to be duly elected Clerk, *pro tempore*, and thereupon took the oath of office.

The Senate next entered into an election of Sergeant-at-arms, *pro tempore*, whereupon

George Knupp received	19 votes.
John S. Weistling	17 "

George Knupp, having received a majority of the whole number of votes given, was declared duly elected Doorkeeper and Sergeant-at-arms, *pro tempore*, of the Senate, and was accordingly qualified.

On motion of Mr. Spangler, it was

Resolved, That the standing rules of the last session be adopted for the government of the Senate, until others be prepared and adopted.

On motion of Mr. Bartley, it was

Resolved, That Charles B. Flood, Esq., be admitted within the bar of the Senate, as reporter for the Ohio Statesman.

On motion of Mr. Henderson, it was

Resolved, That a message be sent to the House of Representatives, informing them that the Senate have organized by the election, *pro tempore*, of James J. Faran, Esq., Speaker; Thomas J. Morgan, Clerk; and George Knupp, Doorkeeper and Sergeant-at-arms, and are now ready to proceed to business.

The Speaker announced the following gentlemen as members of the standing committee on Privileges and Elections:

Messrs. Spangler, Hazeltine and Root.

On motion of Mr. Spangler,

The credentials of the members elect of the present Senate, were referred to the standing committee on Privileges and Elections.

On motion of Mr. Ford, it was

Resolved, That the Sergeant-at-arms be directed to call on the Secretary of State for one copy of the Collated Laws, for the use of each member of the Senate, during the present session; also one copy of the Journal of last session, of the Senate, for each member; also three copies of Chase's statutes.

On motion of Mr. Nash, it was

Resolved, That James Gillet be admitted to a seat within the bar of the Senate, as reporter for the Ohio State Journal.

On motion of Mr. Bartley, it was

Resolved, That a committee of three members be appointed to examine the Journals of the last session, and report the unfinished business of the same.

Whereupon, Messrs. Bartley, Henderson and Ream, were appointed said committee.

On motion of Mr. Carpenter, it was

Resolved, That John Duffey be admitted to a seat within the bar of this Senate, as reporter for the Columbus Freeman.

On motion of Mr. Hazeltine, it was

Resolved, That when the Senate adjourn it shall be to meet at ten o'clock, A. M., and when it take a recess, it shall be to meet at three o'clock, P. M., until otherwise provided.

Mr. Thomas offered for adoption the following resolution:

Resolved, That the Sergeant-at-arms be authorized to appoint a messenger for the Senate, whose compensation shall be _____ per day.

And, on motion of Mr. Spangler,

The blank was filled by "one dollar."

Mr. Leonard demanded the yeas and nays on the passage of the resolution, and they were ordered, and were, yeas 29, nays 6, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Crowell, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—29.

Nays—Messrs. Barnett, Dewey, Foos, Henderson, Leonard and Perkins—6.

So the resolution was agreed to.

Mr. Thomas offered for adoption the following resolution:

Resolved, That the Sergeant-at-arms of the Senate be authorized to appoint an assistant, whose compensation shall be _____ for each day he shall serve as such assistant.

Mr. Taylor moved to lay the resolution on the table; on which motion,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Leonard, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

So the motion was lost.

On motion of Mr. Thomas,

The resolution was postponed till to-morrow.

Message from the House of Representatives.

Mr. Speaker:

The House has organized by the election of Rufus P. Spalding, Speaker; Gid. M. Ayres, Clerk; and James French, Sergeant-at-arms—each *pro tempore*—and is now ready to proceed to business.

Attest:

GID. M. AYRES, *Clerk*.

On motion of Mr. Waddle,

The following resolution was agreed to on part of the Senate:

Resolved by the Senate and House of Representatives, That a joint committee of two members on the part of the Senate, and _____ members on the part of the House, be appointed to wait on the Governor, and inform him that both branches of the General Assembly have met and organized, and are now ready to receive any communication which he may be pleased to make.

Mr. Ford gave notice, that on to-morrow, or some subsequent day of the present session, he should ask leave to introduce a bill to repeal an act entitled "an act to amend an act for the regulation of Turnpike companies," passed February 8, 1826.

Message from the House of Representatives.

Mr. Speaker:

The House have adopted a resolution appointing a joint committee to wait on the Governor, in which they request the Senate to concur.

Attest:

GID. M. AYRES, *Clerk, pro tem.*

The resolution was then taken up, amended and agreed to;

Whereupon, the Speaker appointed Messrs. Waddle and Spangler committee on the part of the Senate.

Ordered, That the House of Representatives be informed thereof.

Mr. Nash offered a resolution in relation to the payment of the postage of members, which, together with the amendments, was, on motion, laid upon the table.

On motion of Mr. Taylor,

The Senate adjourned.

Attest: THOMAS J. MORGAN, *Clerk, pro tem.*

TUESDAY, DECEMBER 7, 1841.

The Senate met pursuant to adjournment.

Mr. Waddle presented the petition of James Galloway and Amos G. Thompson, praying the passage of a law authorizing the collection of the unsatisfied balance of a judgment in favor of the state, against the Lebanon Miami Banking Company; which,

On motion of Mr. Waddle,

Was referred to a select committee of two.

Messrs. Waddle and Perkins, were appointed said committee.

Mr. Henderson presented a petition from the trustees, elders, and wardens of St. John's church, of Zanesville, asking for an act incorporating said church, and moved that said petition be referred to a select committee of one; which motion being withdrawn, the petition was laid upon the table.

Mr. Hazeltine presented the petition of citizens of the county of Preble, and state of Ohio, for the incorporation of the Eaton Medical society.

Which was referred to Mr. Hazeltine.

Mr. Barnett presented the annual report of the president of the Dayton, Centreville, and Lebanon turnpike road company; which was laid on the table.

(See Vol. Pub. Doc., No. 11.)

Mr. Carpenter presented the petition of citizens of the county of Medina, for the incorporation of the Methodist Protestant church and society, of the township of York, in said county.

Which was laid on the table.

Mr. Waddle, from the joint committee, appointed to wait upon the Governor, reported as follows:

The joint committee appointed to wait upon the Governor and inform him of the organization of the General Assembly, and their readiness to receive any communication he may be pleased to make to them, report—that they have performed that duty, and have been authorized by the Governor, to inform their respective houses that he would make a communication, in writing, to them, this day, at 11 o'clock, P. M.

Mr. Stanton offered the following resolution; which was agreed to.

Resolved by the Senate and House of Representatives of the State of Ohio, That a select committee of five members on the part of the Senate, and members on the part of the House of Representatives, be appointed to report a bill fixing the times of holding the judicial courts.

Ordered to the House for concurrence.

Mr. Aten offered the following resolution; which was agreed to.

Resolved by the General Assembly of the State of Ohio, That our Senators, in congress, be instructed, and our Representatives requested, to use their exertions to have the law passed, at as early a day as possible, apportioning the representation in congress among the several states.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in congress.

Ordered to the House for concurrence.

On motion of Mr. Holmes, it was

Resolved, That Henry Rhoadter, be admitted to a seat within the bar of this Senate, as reporter for the Volks Blatt, of Cincinnati.

On motion of Mr. Taylor, it was

Resolved, That the Senate will proceed, at three o'clock, P. M., on this day, Dec. 7th, 1841, to the permanent election of officers for the present session.

Message from the House of Representatives.

Mr. Speaker:

The House have agreed to the resolution of the Senate, in relation to fixing the times of holding judicial courts, with one amendment, to which they ask the Senate to concur.

Attest:

GID. M. AYRES, *Clerk, pro tem.*

The resolution was then taken up, the amendment agreed to, and the House informed thereof.

Messrs. Stanton, Wade, Clark, Aten and Foos, were appointed members of the committee on the part of the Senate.

The annual message from his Excellency, the Governor, was received by the hand of , his Private Secretary, and read.

(See Vol. Pub. Doc., No. 1.)

On motion of Mr. Walton,

The message was laid upon the table, and ordered to be printed.

Message from the House of Representatives.

Mr. Speaker:

The House have agreed to the amendment of the Senate to the resolution of the House, appointing a joint committee to wait upon the Governor.

Attest:

GID. M. AYRES, *Clerk, pro tem.*

Mr. Spangler moved a call of the Senate.

The members appearing, further proceedings under the call were dispensed with.

The hour of three o'clock, P. M., having arrived, the Senate, in accordance with the provisions of a resolution previously passed, proceeded to the election of officers to serve for, and during, the present session, and upon counting the ballots given for Speaker, there appeared for

James J. Faran.....	26 votes.
Blanks	9 "

James J. Faran, having received a majority of all the votes given, was declared duly elected Speaker of the Senate, and, being conducted to the chair, returned his thanks to the Senators.

An election was then entered into for Clerk, which resulted as follows:

Thomas J. Morgan received.....	26 votes.
Blanks	10 "

Thomas J. Morgan, having received a majority of all the votes given, was declared duly elected, and, upon being qualified, entered upon the duties of his office.

The vote for Doorkeeper and Sergeant-at-arms stood as follows, to wit:

George Knupp received.....	29 votes.
Blank and scattering	7 "

George Knupp, receiving a majority of all the votes given, was declared elected, took the necessary oath, and proceeded upon the discharge of his duties.

On motion of Mr. Ford, it was

Resolved, That a message be sent to the House of Representatives, informing that body that the Senate have permanently organized by electing James J. Faran, Esq., Speaker; Thomas J. Morgan, Clerk; and George Knupp, Sergeant-at-arms, for the present session.

Mr. Ford, in pursuance of previous notice, asked, obtained leave, and introduced a bill (S. No. 1,) to repeal an act entitled "an act to amend an act for the regulation of Turnpike companies," passed February 8th, 1826; which was read the first time.

Mr. Clark offered the following resolution:

Resolved by the Senate and House of Representatives, That six thousand copies of the Governor's annual message be printed; four thousand in English, and two in the German language, for the use of the General Assembly.

Mr. Stanton moved to amend the resolution by striking out "two," and inserting "one," so as to read "and one thousand in German;" upon which motion Mr. Spangler demanded the yeas and nays, which resulted as follows—yeas 9, nays 27, to wit:

Yeas—Messrs. Carpenter, Ford, Foos, Nash, Perkins, Stanton, Thomas, Van Vorhes and Wade—9.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Waddle, Walton and Speaker—27.

So the amendment was rejected.

The yeas and nays being demanded on the passage of the resolution, resulted as follows:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—27.

Nays—Messrs. Barnett, Godman, Leonard, Nash, Perkins, Root, Sill, Stanton and Thomas—9.

So the resolution was adopted.

Ordered to the House for its concurrence.

The Speaker presented the annual report of the auditor of state, and the annual report of the treasurer of state; which,

On motion of Mr. Hazeltine,

Were laid on the table, and ordered to be printed.

(See Vol. Pub. Doc., Nos. 2, 4)

The following resolution, offered yesterday by Mr. Thomas, and the consideration of which was postponed until to-day, was now taken up.

Resolved, That the Sergeant-at-arms of the Senate, be authorized to appoint an assistant whose compensation shall be _____, for each day he shall serve as such assistant.

Mr. Thomas moved to fill the blank in the resolution with \$1 25.

Mr. Taylor moved the indefinite postponement of the resolution and amendment; upon which motion, Mr. Thomas demanded the yeas and nays, which were as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

So the motion was lost.

Mr. Taylor then moved to refer the resolution and amendment to a select committee of one; upon which motion, the yeas and nays being demanded, resulted as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the motion was agreed to, and Mr. Thomas was appointed said committee.

The Speaker presented a communication from the Governor of Maine, in reference to the northeastern boundary question; which,

On motion of Mr. Holmes,

Was laid on the table, and the printing dispensed with.

On motion of Mr. Nash,

The resolution in relation to the payment of the postage of members was taken up, which read as follows:

Resolved by the Senate and House of Representatives, That the Speakers of the two Houses, are hereby authorized and required to audit and allow, for payment, out of the treasury of the state, the postage accounts of members and officers of the present General Assembly, on all letters, papers, and communications received by, and charged to, them respectively, and on all letters which they shall have deemed it proper to frank.

On motion of Mr. Thomas,

The resolution was amended by inserting, after "all letters," the words "on public business."

Mr. Root moved to amend the resolution by striking out the words "and on all letters on public business which they shall have deemed it proper to frank;" upon which motion, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Crowell, Foos, Godman, Latham, Leonard, McConnell, Perkins, Robbins, Root, Stanton, Waddle and Speaker—12.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, Nash, Ream, Ritchey, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade and Walton—24.

So the amendment was disagreed to.

Mr. Leonard then moved to amend the resolution by inserting "and public documents," after public business; on which motion, the yeas and nays were demanded, and resulted as follows, to wit:

Yeas—Messrs. Leonard and Perkins—2.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—34.

So the amendment was disagreed to.

Mr. Bartley moved to commit the resolution to a select committee of three. Lost.

The yeas and nays being demanded on the passage of the resolution as amended, stood as follows, to wit:

Yeas—Messrs. Aten, Carpenter, Crowell, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, Nash, Ream, Ritchey, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade and Speaker—22.

Nays—Messrs. Barnett, Bartley, Crowell, Foss, Godman, Latham, Leonard, McConnell, Perkins, Robbins, Root, Stanton, Waddle and Walton—14.

So the resolution was adopted.

On motion of Mr. Walton, it was

Resolved, That a committee of three members be appointed to prepare and report standing rules for the government of the Senate, during the present session.

Messrs. Walton, Ford and Mitchell were appointed said committee.

On motion of Mr. Henderson, it was

Resolved, That the Sergeant-at-arms of the Senate be directed to call upon the Secretary of State, and procure for the use of each member of the Senate, one copy of the Local Laws, one copy of the Journal of the House, and one set of the Public Documents of the last session of the Legislature.

On motion of Mr. Waddle, it was

Resolved, That N. M. Miller be admitted within the bar of the Senate, as reporter for the "Old School Republican."

On motion of Mr. Goodin,

The Senate adjourned.

Attest: **THOMAS J. MORGAN**, *Clerk, pro tem.*

WEDNESDAY, DECEMBER 8, 1841.

The Senate met pursuant to adjournment.

The following bill of the Senate was read a second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 1; A bill to repeal an act entitled, "An act to amend the act entitled, 'an act for the regulation of Turnpike companies,' passed February 8, 1826."

Mr. Bartley offered for adoption the following resolution, which,

On motion of Mr. Taylor,

Was laid upon the table, and ordered to be printed, to wit:

Resolved by the Senate and House of Representatives, That

be and they are hereby appointed

Bank Commissioners; the first named to serve for the term of six years; the term of service of the second to expire on the 16th day of March, 1843; and the term of service of the third and last named to expire on the 16th day of March, 1845, agreeably to the provisions of an act entitled, "an act providing for the appointment of a board of bank commissioners, and for the regulation of banks within the state of Ohio," passed February 25, 1839.

The Speaker presented the annual report of the Secretary of State, which was laid on the table.

[See Vol. Pub. Doc., No. 3.]

The Speaker also presented the report of the Treasurer of State in relation to his contingent fund, which was laid on the table.

[See Vol. Pub. Doc., No. 8.]

Mr. Taylor gave notice, that on to-morrow, or some subsequent day of the present session, he should ask leave to introduce a bill to compel a resumption of specie payments by the banks of this State.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the resolution with regard to instructing our Senators in Congress, and requesting our Representatives, to use their exertions to get the law passed at an early day apportioning the representatives in Congress among the several States, and requesting the governor to forward a copy of the same.

Attest:

GID. M. AYERS, Clerk, *pro tem.*

Message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House, and read the first time, to wit:

A bill (No. 1) to incorporate the First Christian Church of Paint Creek, in Gasper township, Preble county.

Attest:

GID. M. AYERS, Clerk, *pro tem.*

On motion of Mr. Root, it was

Resolved, That the Sergeant-at-arms of the Senate be directed to call on the Secretary of State for one copy of the laws of a general nature, passed at the last session of the General Assembly, for each member of the Senate.

The Speaker announced the standing committees of the Senate, as follows:

On the Judiciary—Messrs. Bartley, Thomas and Walton.

On Finance—Messrs. Spangler, Ford and Robbins.

On Claims—Messrs. Harris, Hostetter and Root.

On Canals—Messrs. McConnell, Godman and Clark.

On Roads and Highways—Messrs. Waddle, Ream and Sill.

On Schools and School Lands—Messrs. Nash, Goodin and Barnett.

On New Counties—Messrs. Ritchey, Foos and Hazeltine.

On Military Affairs—Messrs. Crowell, Aten and Godman.

On Medical Colleges and Universities—Messrs. Clark, Perkins and Holmes.

On Colleges and Universities—Messrs. Aten, Waddle and Nash.

On Agriculture, Manufactures and Commerce—Messrs. Hazeltine, Foos and Ream.

On the Penitentiary—Messrs. Leonard, Dewey and Mitchell.

On the Library—Messrs. Carpenter, Robbins and Stanton.

On the Currency—Messrs. Taylor, Wade and Latham.

On Public Lands—Messrs. Walton, Stanton and Harris.

On Railroads and Turnpikes—Messrs. Ford, Mitchell, and Van Vorhes.

On Public Institutions—Messrs. Root, Hostetter and Perkins.

On Corporations—Messrs. Holmes, Henderson and Goodin.

On Public Buildings—Messrs. Henderson, Leonard and Sill.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole, Mr. Spangler in the chair, on the bill (S. No. 1,) to repeal an act entitled an act to amend the act entitled, "an act for the regulation of Turnpike companies," passed February 8th, 1826, and after some time spent therein, the committee rose, and reported the same back with one amendment.

On motion of Mr. Taylor,

The bill and amendment were referred to the standing committee on the Judiciary.

Mr. Thomas offered a resolution extending the time of county treasurers settling their accounts with county auditors, the Auditor of State, and Treasurer of State; which,

On motion of Mr. Spangler,

Was referred to the standing committee on Finance.

On motion of Mr. Bartley,

The Senate took up the resolution providing for the appointment of Bank Commissioners.

Mr. Holmes moved to insert in the blank the name of William Conklin, of Cincinnati.

On motion of Mr. Taylor,

The resolution and pending amendment were committed to the standing committee on the Currency.

Leave being granted, Mr. Stanton presented the petition of citizens of Bloomfield township, Logan county, praying for legal steps to secure them other lands in lieu of section 16; which, on motion, was referred to the standing committee on Schools and School Lands.

Also, the petition of S. Walker and Wm. Lawrence, for further legislation in relation to the commission of crimes which are *mala in se*; which, on motion, was referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House, and read the first time, to wit:

A bill (No. 2,) to authorize the sale of school section sixteen, in Green creek township, in the county of Sandusky.

Attest:

GID. M. AYRES, Clerk, *pro tem.*

On motion of Mr. Nash,
The Senate adjourned.
Attest;

THOMAS J. MORGAN; *Clerk.*

THURSDAY, DECEMBER 9, 1841.

The Senate met pursuant to adjournment.

Mr. Van Vorhes presented the petition of citizens of York township, in the county of Athens, for the sale of a part of section 16, in said township; which was referred to the standing committee on Schools and School Lands.

Mr. Clark presented the petition of citizens of the county of Lucas, praying for an act fixing the place for the sale of the lands returned delinquent in the county of Lucas, for the taxes of 1840; which was referred to Mr. Clark.

Mr. Clark, also, presented a petition from citizens of the county of Lucas, praying that the Ohio state canal lands may be put into the market for sale at an early day; which was referred to the standing committee on Public Lands.

Mr. Hazeltine presented a petition from citizens of the county of Preble, praying for the reduction of the number of state officers, and for the reduction of the salaries of certain officers; which was referred to the standing committee on Finance.

Mr. Root presented a petition from citizens of the county of Erie, for the enlargement of the Ohio Lunatic Asylum; which was referred to the standing committee on Public Institutions.

Mr. Bartley, from the select committee on Unfinished Business, made the following report:

The select committee on the unfinished business of last session, have performed the duty assigned them, and report to the Senate the following, as the unfinished business of last session, which was postponed till the first Monday of December, 1841, and ask to be discharged from duties on said subject:

A bill to incorporate the Ohio Coke Iron Manufacturing Company;

A bill to incorporate the Calvinistic Book Concern, in the town of Xenia, Greene county;

A bill to provide for the sale of the canal lands belonging to the state of Ohio, and to amend the several acts now in force, in relation thereto;

A bill to alter prison discipline, and authorizing a House of Correction, and House of Refuge in the city of Cincinnati;

A bill to incorporate the State Bank of Ohio, with the several amendments thereto;

A bill to regulate the fees of presiding Associate Judge, in the court of common pleas, at the special session thereof, in the county of Cuyahoga;

A bill to amend the act to provide for the sale of lands forfeited to the state for the nonpayment of taxes, passed March 14, 1831;

A bill to incorporate the Warren Mechanics' and Farmers' Association;

A bill, supplementary to an act, entitled an act to incorporate the Cireleville and Washington Turnpike Company;

A bill to authorize Stephen M. Bingham, to surrender a permanent lease;

A bill to lay out and establish a graded State road in the counties of Morgan and Muskingum;

A bill to lay out and establish a State road in the counties of Fayette, Madison, Pickaway and Franklin;

A bill to provide for the sale or possession of real estate conveyed by deed of trust;

A bill with the amendments thereto, relative to certain escheated lands in Fulton township, Hamilton county;

A bill to encourage and regulate the establishment of School District Libraries, in the state of Ohio;

A bill to amend the act entitled, an act to incorporate the town of Milan, passed February 23, 1833;

A bill and amendments thereto, to incorporate the Montauk Hydraulic Company;

A bill for the relief of Jonathon Caywood, and Walter Athy;

A bill to erect the new county of Orange;

A bill to establish a Safety Fund Banking System, for the state of Ohio;

A bill to reform the Banking System, of the state of Ohio;

A bill to repeal the act to incorporate the town of Johnstown, in the county of Licking;

A bill to amend the act pointing out the mode of levying taxes;

A bill to authorize the trustees of school section, number sixteen, in Hopewell township, Seneca county, to lease said school lands;

A bill further to amend the several acts establishing the Miami University;

A bill to vacate part of a State road, running from the Pennsylvania state line, to the Ohio canal.

Resolution calling for a report from the Board of Public Works, relative to water power on the Muskingum improvement;

Resolution relative to the construction of a Ship Canal around the falls of St. Mary's, between Lakes Huron and Superior;

Resolution relative to the claim of Matthew Nichols.

Petition of Isaac Dillon, for a grant of water power at the mouth of Licking creek;

Petitions, Remonstrances, &c., relative to a State road in the counties of Champaign, Miami and Montgomery;

Petitions, Remonstrances, &c., relative to the new counties of Marshall and Kendall;

Petitions asking the passage of a law to prohibit the emigration of Blacks and Mulattoes into the state of Ohio;

Petitions, Remonstrances, &c.; relative to the new county of Tiffin.

Memorial asking the passage of an act making city and town corporations liable for damages done by mobs;

Memorial of the city council of Cincinnati, relative to escheats;

Memorial of citizens of Montgomery county, relative to taxing the machinery of Manufactories.

Petitions, &c., for the construction of a canal from Wooster, in Wayne county, to the Ohio canal, near Portage Summit;

Petitions of citizens of Millcreek township, Hamilton county, Ohio, praying an amendment to the governing section 29, in said township;

Petitions of sundry citizens of the county of Hardin, praying that the surveyed route for a Central canal, from Columbus, to Lower Sandusky, may be adopted as one of the public works of this state;

Petitions of 227 citizens of the county of Gallia, asking aid in the construction of the turnpike from Gallipolis to Chillicothe;

Petition of Thomas White, praying for a remuneration of losses sustained on sections 22 and 23, of the Ohio canal, on the Portage Summit, together with the accompanying papers.

Memorial of John Burwell, praying for relief for injury sustained by him, in consequence of raising the dam across the Muskingum river, at Zanesville, and the accompanying certificates.

Petitions of citizens of Richland, Wayne, Medina, Lorain, and Huron counties, praying a new county to be called Berks.

On motion, the report was laid upon the table.

Mr. Root presented a petition from citizens of Norwalk, in the county of Huron, for the incorporation of St. Peter's church of Norwalk, and moved that the petition be committed to the committee on Corporations, with instructions to report by a single bill upon this petition, and such other similar petitions as shall be hereafter referred to them, the prayer of which, said committee shall think ought to be granted.

Mr. Taylor called for a division of the question; which, turning on committing the petition to the standing committee on Corporations, was decided in the affirmative.

The question recurring on Mr. Root's instructions,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Leonard, Nash, Perkins, Robbins, Root, Sill Stanton, Thomas, Wade and Waddle—18.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Van Vorhes, Walton and Speaker—18.

So the instructions were not agreed to.

Mr. Root moved that the Senate reconsider the vote referring the petition to the committee on Corporations; to which motion the Senate agreed.

Mr. Root then withdrew his motion to refer to the standing com-

2—S. J.

mittee on Corporations, and the petition was committed to a select committee of one.

Mr. Root was appointed said committee.

Mr. Bartley presented the petition of John Stewart, praying for relief; which was referred to the standing committee on the Judiciary.

Mr. Spangler, from the standing committee on Finance, to which was referred the following resolution, heretofore offered by Mr. Thomas:

Resolved by the Senate and House of Representatives, That the respective county treasurers shall have until the first day of February next, to settle with the county auditor, and until the fifteenth day of February to make settlement with the auditor of state, and to pay into the state treasury the moneys by them collected for the state,

Reported the same back with a recommendation that it be indefinitely postponed.

Upon which Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 13, nays 21, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, Ream, Robbins, Spangler, Taylor, Walton and Speaker—13.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Foos, Godman, Henderson, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—21.

The question then recurring on the adoption of the resolution,

Mr. Spangler demanded the yeas and nays, which were ordered, and were, yeas 21, nays 15, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—21.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, Ream, Robbins, Spangler, Taylor, Walton and Speaker—15.

So the resolution was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred Senate bill No. 1, reported the same back with one amendment: strike out the proviso and insert instead thereof the following words—"so far as the same relates to companies to the capital stock of which the state has, or may hereafter, become a subscriber."

On motion of Mr. Thomas,

The bill was further amended.

Mr. Bartley demanded the yeas and nays on the question of agreeing to the amendment, which were ordered, and were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the amendment was agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Walton, from the committee, to report standing rules for the government of the Senate, made the following report, which was laid on the table:

The select committee, to whom was referred the resolution of the Senate, on Standing Rules, have had the same under consideration, and report the following:

1. The Speaker shall take the chair every day, at the hour to which the Senate shall have been previously adjourned, and shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order: may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions, subject to an appeal to the Senate by any two members.

3. He shall examine and correct the journal before the same shall be read.

4. He shall have a right to name any member to perform the duties of the chair; which appointment shall not extend beyond an adjournment.

5. He shall, at the commencement of each session, appoint the following standing committees, to consist of three members each: 1. On Privileges and Elections; 2. On the Judiciary; 3. On Finance; 4. On Claims; 5. On Canals; 6. On Roads and Highways; 7. On Schools and School Lands; 8. On New Counties; 9. On Military Affairs; 10. On Medical Colleges and Societies; 11. On Colleges and Universities; 12. On Agriculture, Manufactures and Commerce; 13. On the Penitentiary; 14. On the Library; 15. On the Currency; 16. On the Public Lands; 17. On Railroads and Turnpikes; 18. On Public Institutions; 19. On Corporations; 20. On Public Buildings; 21. On the Public Debt.

6. All committees shall be appointed by the Speaker, unless otherwise ordered by the Senate; in which case they shall be elected by ballot.

7. The Speaker, or any two members, may have a call of the Senate, and have absent members sent for.

8. That as soon as the journal shall have been read, the speaker shall call, first, for the presentation of petitions; second, for reports of standing committees; third, for reports from select committees; bills for the second reading shall next be disposed of; then bills for the third reading; next the messages received from the other House; and then the Chair shall announce the orders of the day.

9. If any member transgress the rules of the Senate, the speaker shall, or any member may, call to order; in which case the member,

called to order, shall immediately sit down, unless permitted to explain; and the Senate, if appealed to, shall decide the question of order.

10. All questions shall be put in this form, to wit: "You who are of opinion that the motion be agreed to, will say, aye; those of a contrary opinion, say, no." And in doubtful cases, the speaker may direct, or any member may call for a division.

11. Every member present, when a question is put, shall vote, unless the Senate shall, for special reasons, excuse him.

12. Every motion shall be reduced to writing, if the speaker or any member desire it.

13. A motion to adjourn, or take a recess, shall always be in order, unless a member is speaking, and shall be decided without debate.

14. When a member is about to speak, he shall rise in his place, and respectfully address the speaker; and when a member is speaking, no other shall pass between him and the Chair.

15. No member shall speak more than twice on any question, without leave of the Senate.

16. After a motion is made and seconded, it shall be stated by the speaker, or, being in writing, shall be handed to the Chair, and read by the speaker or clerk previous to debate.

17. After a motion is stated by the speaker, or read by the clerk, it shall be deemed in possession of the Senate; but may be withdrawn at any time before the decision, or amendment, by consent of the Senate.

18. When a question is under debate no motion shall be received, unless to adjourn or take a recess; to take the previous question, which shall be decided without debate; to lie on the table; to proceed to the orders of the day; to postpone to a day certain; to postpone indefinitely; to commit, or amend; which motions shall have precedence in the order in which they here stand.

19. The previous question shall be put in these words, "Shall the main question now be put?" and it shall be admitted on the demand of three members, (although no amendment shall have been proposed to the original proposition,) and, until decided, shall preclude all amendments or further debate of the main question.

20. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away the rest may stand entire, for the decision of the Senate.

21. No committee shall absent themselves from the Senate Chamber, by reason of their appointment, during the sitting of the Senate without special leave.

22. The first and second reading of each bill shall be by its title, only, unless its reading be called for by a member of the Senate, and shall be for information; if objection be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or if the question to reject be lost, the bill shall go to a second reading without further question.

23. Upon the second reading of the bill, the speaker shall state it ready for commitment, or engrossment; and if no motion be made, the speaker shall commit it to a committee of the whole, and make it the order of the day for that day; but if the bill be ordered to be engrossed, the Senate shall determine the day upon which it shall be read a third time.

24. When a question is lost on engrossing a bill for the third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day, unless a division be called for; but if on a division, the question on engrossing a bill without including the time for their third reading, shall fail, the bill shall be considered as lost.

25. When a bill is engrossed, the speaker shall, at the time previously appointed by the Senate, announce it as ready for a third reading; and if no objection be made, it shall go to a third reading, without question.

26. A bill after commitment and report thereof, may be recommitted at any time previous to its passage.

27. In forming the committee of the whole, the speaker shall leave the chair, and appoint a chairman to preside.

28. In filling blanks, the largest sum and longest time shall be first put.

29. The rules of proceeding in the Senate shall be observed in committee of the whole, so far as may be applicable.

30. In all cases when the Senate shall be equally divided, the question shall be lost; but a reconsideration may be moved by any member voting in the affirmative.

31. A motion to reconsider a vote shall be deemed out of order after the expiration of two days from the time such vote was taken. All motions for reconsideration shall come from a member voting in the majority, except when the Senate shall be equally divided.

32. Every petition, report of a committee, or other communication, presented and received, shall be taken up and read without motion, unless otherwise ordered by the Senate.

33. The interim between the morning and evening sessions of the Senate shall be termed a recess; and on reassembling on the same day, any question pending at the time of taking such recess, shall be resumed without a motion to that effect.

Mr. Waddle, to whom was referred the petition of James Galloway and Amos G. Thompson, introduced a bill (S. No. 2,) to amend an act entitled, "an act for the improvement of certain State roads named therein," passed February 8, 1826; which was read the first time.

Mr. Hazletine, to whom was referred the petition of citizens of Preble county, introduced a bill (S. No. 3,) to incorporate the Eaton Medical Society; which was read the first time.

Mr. Clark gave notice, that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to confirm and establish the county seat of Lucas county in the city of Toledo.

Mr. Thomas gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled, "an act prescribing the duties of county treasurers."

On motion of Mr. Henderson, it was

Resolved, That the Ohio Camphine Company have leave to light and exhibit for two weeks, at the proper seasons, four of their burners, in the Senate chamber, at their own expense, and under the direction of the Sergeant-at-arms.

On motion of Mr. Crowell,

The Senate took up the petition of citizens of Bazetta township, in the county of Trumbull, which was, on motion,

Referred to a select committee of one, and

Mr. Crowell was appointed said committee.

Message from the House of Representatives.

Mr. Speaker:

The House has permanently organized by electing Rufus P. Spalding, Esq., Speaker; Gideon M. Ayres, Clerk, and James French, Sergeant-at-arms, for the remainder of the session.

Attest:

GID. M. AYERS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House have passed the Senate resolution with regard to printing the Governor's message, with one amendment, to wit:

Strike out all after the word resolved, and insert the following:

"That four thousand copies of the Governor's annual message be printed in the English, and two thousand in the German language, for the use of the members of this General Assembly;"

To which they ask the concurrence of the Senate.

Attest:

GID. M. AYERS, Clerk.

The amendment of the House was agreed to.

The Speaker announced Messrs. Aten and Sill as members, on part of the Senate, of the joint standing committee on enrolment.

On motion of Mr. Henderson,

The petition of the trustees, elders and wardens of St. John's Church of Zanesville, was taken up, and

Referred to Mr. Henderson.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House:

A bill (No. 3,) to incorporate the First Presbyterian Society of Newburg, in the county of Cuyahoga.

A bill (No. 4,) to incorporate the First Moral Library Association of Williamsfield, in Ashtabula county.

Attest:

GID. M. AYERS, Clerk

On motion of Mr. Aten,
The Senate took up the annual message of the Governor.

On motion of Mr. Aten, it was

Resolved, That so much of the Governor's message as relates to education, be referred to the standing committee on Schools and School Lands;

And that so much thereof as relates to the public works, be referred to the standing committee on Canals;

And that so much thereof as relates to the canal fund, and the distribution of the proceeds of the sales of the public lands, be referred to the standing committee on Finance;

And that so much thereof as relates to banks and currency, be referred to the standing committee on the Currency;

And that so much thereof as relates to the penitentiary, be referred to the standing committee on the Penitentiary;

And that so much thereof as relates to the institutions for the Deaf and Dumb, for the Blind and the Lunatic Asylums, be referred to the standing committee on Public Institutions;

And that so much thereof as relates to a geological survey of the State, be referred to the standing committee on Commerce, Agriculture and Manufactures;

And that so much thereof as relates to the canal lands, be referred to the standing committee on Public Lands,

On motion of Mr. Carpenter,

The message was laid on the table.

On motion of Mr. Carpenter,

The petition of citizens of the county of Medina, for the incorporation of the Methodist Protestant Church and Society of York, in said county, was taken up, and

Referred to Mr. Carpenter.

Mr. Taylor offered a resolution in relation to printing the annual report of the Auditor of State, which, together with an amendment proposed by Mr. Thomas, was,

On motion of Mr. Root,

Laid on the table.

Mr. Spangler offered the following resolution:

Resolved by the General Assembly of the State of Ohio, That the sum of twenty five dollars be, and the same is hereby, allowed to Samuel Barwell, for preparing the Senate chamber for the reception of members of the Senate, at the present General Assembly, to be provided for in the general appropriation for members of the General Assembly.

On motion, said resolution was

Referred to the standing committee on Claims.

On motion of Mr. Taylor, it was

Resolved, That the Secretary of State be directed to report to the Senate, as speedily as possible, the reasons for neglecting to furnish the Senate, (through the Sergeant-at-arms,) with one copy, for each

Senator, of the Journal of the last Senate, and one copy, for each Senator, of the Journal of the last House of Representatives.

On motion of Mr. Nash,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

FRIDAY, DECEMBER 10, 1841.

The Senate met pursuant to adjournment.

Mr. Mitchell presented the petition of the directors of school district No. 5, in Steubenville township, in the county of Jefferson, praying for the passage of a law to limit the schools, within said district, to children of not less than five years of age; which was referred to the standing committee on Schools and School Lands.

Mr. Holmes presented the petition of the trustees of the United Protestant Evangelical German Congregation of Cincinnati, praying for an act of incorporation; which was referred to the standing committee on the Judiciary.

Mr. Holmes, also, presented the remonstrance of Philip Hauser and others, against said incorporation; which was referred to the same committee.

Mr. Bartley presented a petition from Eliza Hantz, praying for a divorce from her husband, Andrew Hantz; which was referred to the standing committee on the Judiciary.

Mr. Goodin presented a petition from 116 citizens of the county of Seneca, asking that the time be extended to the first of November for the performance of labor on the public roads; which was referred to the standing committee on Roads and Highways.

Mr. Holmes presented a petition from Mary Pettit, for a divorce from her husband, Samuel Pettit; which was referred to the standing committee on the Judiciary.

Mr. Holmes, also, presented depositions in relation to the same case; which were referred to the same committee.

Mr. Taylor presented the proceedings of a meeting of the citizens of Newark and vicinity, in relation to the bank of St. Clair; which were laid on the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which the subject had been referred, made the following report:

The standing committee on Schools and School Lands, to which was committed the petition of certain citizens of Bloomfield township, Logan county, report:

The petitioners represent that they are residents of original surveyed township, No. two, in range eight, east, in the district of land subject to sale at Cincinnati; that said township is a fractional one,

containing about three fourths as much territory as a full township, and that there is in the same, no section sixteen set apart for the use of schools, and they ask this General Assembly to secure to them other lands, in lieu of said section sixteen.

The committee are compelled to say, that this is a matter with which state legislation has nothing to do. This subject of appropriating lands, for the support of schools, belongs exclusively to the legislation of Congress; and Congress has already made ample provision for such a case as this. It is well known, that under the operation of the law setting aside section sixteen, in each original surveyed township, for the support of schools, many of the fractional townships obtained no school lands, there being no section sixteen within their limits. This was palpable injustice, and for many years remained unprovided for; but in A. D., 1826, congress took up the subject, and passed a law to place these fractional townships on an equality with the others. This law was passed May the 20th, 1826, and may be found in the 3d vol. of Story's statutes of the U. States. The act provides, that all [fractional] townships, containing a greater quantity of land than three quarters of an entire township, shall be entitled to one section; a [fractional] township containing a greater quantity than one half, and less than three fourths, three quarters of a section; a fractional township, containing a greater quantity than one quarter, and not more than one half of a township, one half section; a fractional township, containing a greater quantity of land than one entire section, and not more than one quarter of a township, one quarter section of land.

The law further provides, that such tracts of lands shall be selected by the secretary of the treasury, out of any unappropriated public land within the land district, where the township for which any tract is selected, may be situated; and when so selected shall be held in the same way, and for the same uses, as section sixteen is or may be held.

Such are the main provisions of the law. Under it, the secretary of the treasury issued circulars to the various land offices, directing the appropriate officer to make the selection, and report the same to him for confirmation. Usually, some of the citizens of the township, for whose benefit the lands are to be selected, make the necessary examinations, find out the most valuable lands in the district, and point these out to the register, who adopts such selection, and reports the same to the secretary, by whom it is approved as a matter of course. The secretary of the treasury has also decided, that the proper quantity need not be selected all in one body, but in such quantities or tracts as purchasers are by law permitted to enter the public lands. He, therefore, some years since, decided, that where a township was entitled to a half section, it could be selected in eighty acre tracts, that then being the smallest tract of land permitted to be entered.

From this survey of the law, it will be seen, that the case of the petitioners is fully provided for, and that they have only to select their due quantity from any lands in their land district, report the same to the register, and have such selection confirmed by the secretary of the treasury, to obtain all they ask for.

The committee have thought it proper to give this statement of the law, not only for the benefit of these petitioners, but for all other townships, if any there are, which have as yet neglected to secure to itself the benefits of this act. It is important that it should be immediately attended to, as the most valuable lands are being daily appropriated to private purposes, thus compelling the townships, in the end, to resort to inferior lands to satisfy their just claims.

The committee, therefore, conclude by asking leave to be discharged from the further consideration of the subject, and recommend that the petitioners have leave to withdraw their petition.

On motion, the report was laid upon the table, and the petitioners granted leave to withdraw their petition.

Mr. Harris, from the standing committee on Claims, reported back the resolution for the relief of Samuel Burwell, and recommended its indefinite postponement; which was agreed to.

Mr. Carpenter, from the select committee on that subject, reported a bill (S. No. 4,) to incorporate the Methodist Protestant church and society, of the township of York, in the county of Medina; which was read the first time.

Mr. Henderson, from the select committee on that subject, reported a bill (S. No. 5,) to incorporate St. John's First English Evangelical church of Zanesville, in the county of Muskingum; which was read the first time.

Mr. Root, from the select committee on that subject, reported a bill (S. No. 6,) to incorporate Saint Peter's church of Norwalk, in Huron county; which was read the first time.

Mr. Clark, from the select committee on that subject, reported a bill (S. No. 7,) to fix the place for holding the tax sales of 1841, in the county of Lucas; which was read the first time.

The following bill of the Senate was read the third time and passed, to wit:

S. No. 1; An act to repeal an act entitled, "an act to amend the act entitled 'an act for the regulation of Turnpike companies,'" passed February 8, 1826.

Ordered, That the title be as aforesaid, and that the concurrence of the House be requested.

Message from the House of Representatives.

Mr. Speaker:

The House has appointed Messrs. Ewing and Hawkins, as the joint standing committee on Enrolments, on behalf of the House.

Attest:

GID. M. AYRES, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to wit:

A resolution directing clerks of courts to deliver to directors of poor houses, one copy of the laws of Ohio, if any such there be not otherwise disposed of.

A resolution in relation to printing extra copies of the Auditor of State's report.

To which they ask the concurrence of the Senate.

Attest:

GID. M. AYRES, *Clerk*.

The resolution directing the clerks of courts to deliver to directors of poor houses one copy of the laws of Ohio, was agreed to.

On motion, the resolution in relation to printing extra copies of the report of the Auditor of State, was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the resolution of the Senate, in regard to the franking privilege, of officers and members of the present General Assembly, with one amendment, to which they ask the concurrence of the Senate.

Attest:

GID. M. AYRES, *Clerk*.

The amendment of the House was disagreed to.

Mr. Van Vorhes gave notice that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill repealing the second section of the act entitled "an act to amend the act entitled, an act to incorporate the town of Athens, and for other purposes," passed Feb. 15, 1812; and, also, so to amend the act incorporating the town of Athens, passed January 24, 1828, that the town council shall have power to regulate retailing and vending of ardent spirits, within the corporate limits of said town.

Mr. Thomas gave notice that, on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to repeal so much of each and every act of the General Assembly, as empowers any incorporated city, town, village or borough within this state, to license groceries or coffee-houses, or in any manner to confer the power to retail spirituous or intoxicating drinks.

Mr. Barnett gave notice that, on to-morrow, or on some subsequent day, he would ask leave to introduce a bill to repeal the 6th sections of an act to incorporate the Dayton, Watervliet, and Xenia Turnpike road company.

The Speaker presented a communication from the Secretary of State, replying to the resolution of inquiry adopted in the Senate, on yesterday; which, on motion, was laid on the table, and the printing dispensed with.

SECRETARY OF STATE'S OFFICE,
Columbus, Ohio, Dec. 9, 1841.

*To the Honorable,
the Senate of the State of Ohio:*

The undersigned, Secretary of State, has the honor to acknowledge the receipt of a resolution of your honorable body, requiring "that

the Secretary of State be directed to report, as speedily as possible, the reasons for neglecting to furnish the Senate (through the Sergeant-at-arms,) with one copy, for each Senator, of the Journal of the last Senate, and one copy, for each Senator, of the Journal of the last House of Representatives."

With every possible respect for the honorable Senate, the undersigned claims the liberty of saying, that to the strict letter of the resolution, it is impossible for him to reply; inasmuch, as he is entirely unconscious of any neglect in the case. So far as is known to the undersigned, the distribution of the Journals to the members of the two Houses of the legislature, when in session, is not governed by any law; but by that courtesy which ought ever to regulate the intercourse between every description of public functionaries; and it would give the undersigned great pain to have it supposed, that on this occasion, there has been, any where, the least want of a proper degree of courtesy in the premises.

Presuming that the main object of the resolution was to obtain the Journals specified, (the want of which was entirely unknown to the undersigned, until a very short time before the receipt of the resolution,) he flatters himself that the best answer he can make thereto, will be to put them in possession of your honorable body. The entire want of room for the storage of such documents in this office, has made it necessary to deposit them in the state house; and they having, at the recent cleaning of the house, been removed to another part of the building, could not, it seems, be found at the moment they were called for to day. They have since, however, been found, and all remaining on hand have been put in possession of the officers of the two Houses:

All of which is respectfully submitted,

J. SLOANE.

Mr. Root presented a statement of the condition of the bank of Norwalk on the 26th of November, 1841; which was laid on the table.

(See Vol. Pub. Doc., No. 12.)

Mr. Carpenter gave notice that, on to-morrow, or some subsequent day of this session, he would ask leave to bring in a bill to make counties and incorporated cities and towns liable for damage done by riots or tumultuous assemblages of people.

On motion of Mr. Henderson,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

SATURDAY, DECEMBER 11, 1841.

The Senate met pursuant to adjournment.

Mr. Stanton presented two petitions from citizens of Ohio, for the location of a free turnpike road from Bellefontaine, in the county of Logan, through the counties of Allen and Vanwert, to the Indiana State line; which was

Referred to Mr. Stanton.

Mr. Clark presented a petition from 268 citizens of the county of Lucas, praying for the sale of lands forfeited to the State by the non-payment of taxes; which was

Referred to the standing committee on Finance.

Mr. Clark also presented a petition from 245 citizens of the county of Lucas, praying that so much of the Erie and Kalamazoo Railroad, as lies in said county, may be subjected to taxation; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes presented the memorial of Dr. John W. King, of Covington, Ky., on the subject of Federalism, or the question of exclusive power, as the true issue in the present monetary and political discussions in the United States;

Which was laid on the table and the printing dispensed with.

Mr. Bartley presented a petition from citizens of Clear Creek township, in the county of Michland, in relation to a school district; which was

Referred to the standing committee on Schools and School Lands.

Mr. Waddle, from the standing committee on Roads and Highways, made the following report, which was agreed to, to wit:

The standing committee on Roads and Highways, to which was referred the petition of citizens of Seneca county, asking further time for the performance of labor on the public roads, have had the same under consideration, and are of opinion that the prayer of the petitioners ought not to be granted.

The committee therefore ask to be discharged from the further consideration of the subject; and that the petitioners have leave to withdraw their petition.

Mr. Taylor, from the standing committee on the Currency, to which was committed the resolution in relation to the appointment of Bank Commissioners, reported the same back, with amendments, and the whole, on motion, was laid on the table.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, have examined and compared Senate resolution, instructing our Senators and requesting our Representatives in Congress, to use their exertions to have the

law passed at as early a day as possible, apportioning the representation in Congress among the several States, and do find that the same is correctly enroled.

Mr. Crowell, from the select committee on that subject, reported a bill (S. No. 8,) "to incorporate the First Presbyterian and Congregational Church and Society of Bazetta, in the county of Trumbull;" which was read the first time.

Mr. Thomas, from the select committee to which was referred the following resolution in relation to an assistant Sergeant-at-arms, to wit:

Resolved, That the Sergeant-at-arms of the Senate be authorized to appoint an assistant, whose compensation shall be _____ for each day he shall serve as such assistant;

Made report, and recommended that the blank in the resolution be filled by inserting the words "one dollar and fifty cents," as follows:

The select committee, to whom was referred the resolution to authorize the Sergeant-at-arms to employ an assistant, and to fix his compensation, reports:

That, although it may be considered by some that the object contemplated in the resolution, is not worthy of any serious consideration, involving, as it does, a matter of no great pecuniary magnitude; yet, it cannot be doubted but that the Senate, by the act of reference to your committee, have expressed a decided opinion to the contrary; and that all matters, however minute they may be, which come within the scope of their duties as legislators, shall not be considered as beneath the notice of the Senate of Ohio. It is certainly proper that the doctrine by which all the public functionaries of the corrupt governments of the earth regulate their conduct, namely, that the people are the legitimate objects of plunder for the especial benefit of the office holders, should be chastised and whipped from among any people who would enjoy the blessings of free government—for it is but mockery to call that government free, in which corruption flows through all the channels of its administration.

It is highly gratifying to your committee, to see the manifestation of a settled purpose on the part of the Senate rigidly to guard against and prohibit any expenditure of the public treasure, which can be dispensed with without detriment to the public service; and, moreover, that they are not unmindful of the precepts of that great code of morality and religion which sways the minds of all men in all Christian communities. It is there declared, that "he that is faithful in that which is least, is faithful also in much; and he that is unjust in the least, is unjust also in much."

Your committee has not been able to ascertain at what period the employment of an assistant by the Sergeant-at-arms had its beginning. This practice has not, nor has it ever had, in this State, the sanction of law. The first notice of this employee, which is to be found in the doings of the General Assembly, is to be found in a resolution adopted

on the 14th day of March, 1835, which provides for the payment of each assistant the sum of two dollars and fifty cents per day. This practice has been sanctioned by the Legislature from that time to the present, but at each subsequent session with an allowance of three dollars per day. The very fact that this practice has never received the sanction of law, shows it was never intended to make this expenditure a permanent charge upon the treasury; and it would be well to observe, also, that the Sergeant-at-arms has never been authorized, even by resolution, to employ an assistant, but he having done so without authority, the Legislature have, in the midst of the pressure of business, at the close of each session, provided a compensation for the services performed. It is evident, then, that the practice has been suffered rather than sanctioned. Would it not be well, then, at once to put a stop to such practices. The Senate have already, in similar cases which have come before them, shown a determination to do so.

The resolution is based upon the expediency of permitting the Sergeant-at-arms to have an assistant, and it authorizes him to employ one. There are but two questions, then, which can be made in considering it: first, whether that authority should be given at the commencement of the session, or whether it should be withheld, and at the close of each session let the resolution, for compensation, by its retrospective action be its sanction, and the charity of members, acting upon a treasure which they have no authority to distribute for charitable purposes, be the measure of that compensation. Your committee will submit this question to the good sense of the Senate upon a mere statement of it.

The remaining question is, as to the amount of compensation which should be provided for the assistant. Three dollars per day is the compensation of the Sergeant-at-arms, as fixed by law. Should his assistant be allowed the same amount? This question can only be decided in the affirmative by making the value of common labor, performed with the exercise of no skill and little intellect, the standard for estimating the value of man's labor, whether physical or intellectual—in all stations and conditions; whether placed in the highest and most responsible offices of the government, or in the lowly office of dram-dealer, in a grogshop.

The Sergeant-at-arms is an officer of the Senate, and is placed under responsibilities of no trifling character. He is not only responsible for his own acts, but for those of his assistant also. Not so with the latter: he is not responsible to the Senate even for his own conduct.

It would seem, then, to your committee, that if the Senate shall be governed in this matter by principles which are universally acknowledged as well in savage as civilized communities, they will fix the compensation of the assistant at a point considerably below that of his principal.

Actuated by these principles, sound as we believe them to be, your committee recommends that the blank in the resolution be filled with these words—"one dollar and fifty cents."

Mr. Hazeltine moved that the report be laid upon the table, and the printing dispensed with; on which motion,

Mr. Stanton demanded the yeas and nays, which being ordered, resulted as follows, to wit—yeas 16, nays 19:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Taylor and Walton—16.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Foos, Godman, Henderson, Hostetter, Nash, Perkins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—19.

So the motion was lost.

The question then recurring on filling the blank with one dollar and fifty cents,

Mr. Taylor moved to fill it with three dollars; on which motion,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Wade, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes and Waddle—17.

So the motion prevailed.

The resolution was then agreed to.

The following bills of the Senate were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 2; A bill to amend an act entitled "an act for the improvement of certain state roads, named therein," passed February 8, 1826;

S. No. 3; A bill to incorporate the Eaton Medical society;

S. No. 4; A bill to incorporate the Methodist Protestant church and society of the township of York, and county of Medina;

S. No. 5; A bill to incorporate St. John's First Evangelical church of Zanesville, in the county of Muskingum;

S. No. 6; A bill to incorporate St. Peter's church of Norwalk, in Huron county;

S. No. 7; A bill to fix the place for holding the tax sales of 1841, in the county of Lucas.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced in the House, and read the first time:

A bill (No. 5,) to incorporate the First Free Will Baptist society of Brunswick;

A bill (No. 6,) to authorize the sale of school section No. sixteen, in Madison township, in the county of Sandusky;

A bill (No. 7,) to amend the act entitled "an act to authorize the establishment of poor houses;"

A bill (No. 8,) to change the name of Ossian B. D. Oates;

A bill (No. 9,) to establish a school district in the townships of Pleasant and Union, in Putnam county;

A bill (No. 10,) to establish a school district in Union and Greenburgh townships, in Putnam county;

A bill (No. 11,) to establish, permanently, the seat of justice for Summit county;

A bill (No. 12,) for the punishment of trespassers on growing crops and orchards;

A bill (No. 13,) to incorporate lodge No. 6, of the Independent Order of Odd Fellows;

A bill (No. 14,) providing for the punishment of crimes, passed March 7, 1835.

Attest:

GID. M. AYRES, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House insists upon its amendment to the Senate resolution, and asks a committee of conference.

Attest:

GID. M. AYRES, Clerk.

The resolution relates to the payment of the postage of the members and officers of the present General Assembly.

On motion of Mr. Thomas,

The Senate insisted on its disagreement to the amendment of the House, and acceded to the request of the House for a committee of conference.

Messrs. Thomas and Walton were appointed said committee on part of the Senate.

The Speaker presented a communication from the Governor in relation to his contingent fund; which,

On motion of Mr. Nash,

Was laid on the table.

(See Vol. Pub. Doc., No. 5.)

On motion of Mr. Holmes,

The following resolution was taken up:

Resolved by the Senate and House of Representatives, That the State Printer be directed to print six thousand extra copies of the report of the Auditor of State, (out of which two hundred copies shall be given for the use of the Auditor) for the use of the members of this General Assembly.

Mr. Thomas moved to strike out "six thousand;" upon which motion he demanded the yeas and nays, which were ordered, and were, yeas 16, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade, and Waddle—16.

3—S. J.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, M'Connell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—20.

So the motion was lost.

The question then recurring on the adoption of the resolution, it was decided in the affirmative—yeas 20, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, M'Connell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Thomas, Van Varhes, Wade and Waddle—16.

On motion of Mr. Taylor,

The Senate took up the proceedings of a meeting of the citizens of Newark, in reference to the bank of St. Clair; which, on his motion, were referred to the standing committee on the Currency.

Mr. Spangler gave notice that he would, on Monday, or some other day of the present session, ask leave to introduce a bill to amend the act entitled "an act to incorporate the Lancaster Lateral canal company," passed February 8, 1826.

Mr. Clark, in pursuance of previous notice, introduced a bill to confirm and establish the seat of justice for Lucas county; which was read the first time.

On motion of Mr. Holmes,

The Senate resolved itself into committee of the whole, on the orders of the day, Mr. Holmes in the chair, on the bill (S. No. 2,) to amend an act entitled "an act for the improvement of certain state roads named therein," passed February 8, 1826, and after some time passed therein, the committee rose, and reported the same back with one amendment, which was agreed to; and the bill was

Ordered to be engrossed for its third reading and final passage, on Monday next.

On motion of Mr. Spangler,

The Senate took up the report of the select committee appointed to report rules for the government of the Senate; upon which report the Senate resolved itself into committee of the whole, Mr. Waddle in the chair, and after some time spent therein, the committee rose, and reported the same back without amendment, and the report was adopted, as follows, to wit:

STANDING RULES.

1. The Speaker shall take the chair every day, at the hour to which the Senate shall have been previously adjourned, and shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order: may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions, subject to an appeal to the Senate by any two members.

3. He shall examine and correct the journal before the same shall be read.

4. He shall have a right to name any member to perform the duties of the chair; which appointment shall not extend beyond an adjournment.

5. He shall, at the commencement of each session, appoint the following standing committees, to consist of three members each: 1. On Privileges and Elections; 2. On the Judiciary; 3. On Finance; 4. On Claims; 5. On Canals; 6. On Roads and Highways; 7. On Schools and School Lands; 8. On New Counties; 9. On Military Affairs; 10. On Medical Colleges and Societies; 11. On Colleges and Universities; 12. On Agriculture, Manufactures and Commerce; 13. On the Penitentiary; 14. On the Library; 15. On the Currency; 16. On the Public Lands; 17. On Railroads and Turnpikes; 18. On Public Institutions; 19. On Corporations; 20. On Public Buildings; 21. On the Public Debt.

6. All committees shall be appointed by the Speaker, unless otherwise ordered by the Senate; in which case they shall be elected by ballot.

7. The Speaker, or any two members, may have a call of the Senate, and have absent members sent for.

8. That as soon as the journal shall have been read, the speaker shall call; first, for the presentation of petitions; second, for reports of standing committees; third, for reports from select committees; bills for the second reading shall next be disposed of; then bills for the third reading; next the messages received from the other House; and then the Chair shall announce the orders of the day.

9. If any member transgress the rules of the Senate, the speaker shall, or any member may, call to order; in which case the member, called to order, shall immediately sit down, unless permitted to explain; and the Senate, if appealed to, shall decide the question of order.

10. All questions shall be put in this form, to wit: "You who are of opinion that the motion be agreed to, will say, aye; those of a contrary opinion, say, no." And in doubtful cases, the speaker may direct, or any member may call for a division.

11. Every member present, when a question is put, shall vote, unless the Senate shall, for special reasons, excuse him.

12. Every motion shall be reduced to writing, if the speaker or any member desire it.

13. A motion to adjourn, or take a recess, shall always be in order, unless a member is speaking, and shall be decided without debate.

14. When a member is about to speak, he shall rise in his place, and respectfully address the speaker; and when a member is speaking, no other shall pass between him and the Chair.

15. No member shall speak more than twice on any question, without leave of the Senate.

16. After a motion is made and seconded, it shall be stated by the speaker, or, being in writing, shall be handed to the Chair, and read by the speaker or clerk previous to debate.

17. After a motion is stated by the speaker, or read by the clerk, it shall be deemed in possession of the Senate; but may be withdrawn at any time before the decision, or amendment, by consent of the Senate.

18. When a question is under debate no motion shall be received, unless to adjourn or take a recess; to take the previous question, which shall be decided without debate; to lie on the table; to proceed to the orders of the day; to postpone to a day certain; to postpone indefinitely; to commit, or amend; which motions shall have precedence in the order in which they here stand.

19. The previous question shall be put in these words, "Shall the main question now be put?" and it shall be admitted on the demand of three members, (although no amendment shall have been proposed to the original proposition,) and, until decided, shall preclude all amendments or further debate of the main question.

20. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away the rest may stand entire, for the decision of the Senate.

21. No committee shall absent themselves from the Senate Chamber, by reason of their appointment, during the sitting of the Senate without special leave.

22. The first and second reading of each bill shall be by its title, only, unless its reading be called for by a member of the Senate, and shall be for information; if objection be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or if the question to reject be lost, the bill shall go to a second reading without farther question.

23. Upon the second reading of the bill, the speaker shall state it ready for commitment, or engrossment; and if no motion be made, the speaker shall commit it to a committee of the whole; and make it the order of the day for that day; but if the bill be ordered to be engrossed, the Senate shall determine the day upon which it shall be read a third time.

24. When a question is lost on engrossing a bill for the third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day, unless a division be called for; but if on a division, the question on engrossing a bill without including the time for their third reading, shall fail, the bill shall be considered as lost.

25. When a bill is engrossed, the speaker shall, at the time previously appointed by the Senate, announce it as ready for a third reading; and if no objection be made, it shall go to a third reading, without question.

26. A bill after commitment and report thereof, may be recommitted at any time previous to its passage.

27. In forming the committee of the whole, the speaker shall leave the chair, and appoint a chairman to preside.

28. In filing blanks, the largest sum and longest time shall be first put.

29. The rules of proceeding in the Senate shall be observed in committees of the whole, so far as may be applicable.

30. In all cases, when the Senate shall be equally divided, the question shall be lost; but a reconsideration may be moved by any member voting in the affirmative.

31. A motion to reconsider a vote shall be deemed out of order after the expiration of two days from the time such vote was taken. All motions for reconsideration shall come from a member voting in the majority, except when the Senate shall be equally divided.

32. Every petition, report of a committee, or other communication, presented and received, shall be taken up and read without motion, unless otherwise ordered by the Senate.

33. The interim between the morning and evening sessions of the Senate shall be termed a recess; and on reassembling on the same day, any question pending at the time of taking such recess, shall be resumed without a motion to that effect.

Agreeably to notice previously given,

Mr. Carpenter introduced a bill (S. No. 10,) to compensate sufferers by riots; which was read the first time.

Mr. Carpenter gave notice that, on Monday next, or some subsequent day of this session, he would introduce a bill to amend an act entitled "an act for the support and better regulation of common schools, and to create, permanently, the office of superintendent;" so that in the collection and distribution of the common school fund, there shall be no discrimination made on account of color.

On motion of Mr. Thomas,

The Senate adjourned.

Attest:

THOMAS J. MORGAN., Clerk.

MONDAY, DECEMBER 13, 1841.

The Senate met pursuant to adjournment.

Mr. Goodin presented the preamble, resolutions, and instructions, on the banks, currency, &c., adopted by numerous citizens of the county of Sandusky; which was,

On motion,

Referred to the standing committee on the Currency.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 8; A bill to incorporate the First Presbyterian and Congregational Church and Society, of Bazetta, in the county of Trumbull.

The following bill was read the third time, and passed, to wit:
 S. No. 2; An act to amend an act entitled, "an act for the improvement of certain state roads named therein," passed February 8, 1826.
Ordered, That the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been introduced into the House, and read the first time, by its title, to wit:

A bill (No. 15,) for the relief of James Devor, Samuel Cole, and William Martin.

Attest:

GEO. M. AYRES, *Clerk*.

The Speaker presented the third annual report of the directors of the Ohio Lunatic Asylum; which was,

On motion of Mr. Spangler,

Laid upon the table.

[See Vol. Pub. Doc. No. 14.]

Agreeably to notice previously given,

Mr. Stanton introduced a bill (S. No. 11,) to establish a free turnpike road from Bellesfontaine, in Logan county, to the Indiana state line; which was read the first time.

Agreeably to notice previously given,

Mr. Spangler introduced a bill (S. No. 12,) to amend the act entitled "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826.

On motion of Mr. Godman, it was

Resolved, That the standing committee on the Judiciary be, and are hereby instructed to inquire into the expediency of so amending the "act for the relief of insolvent debtors," as to require the plaintiff, in all cases wherein the defendant shall be imprisoned in the county jail upon final process issued in any civil action, to deposit money, or furnish to the jailor, sufficient security for the support of the defendant while said defendant may remain in prison, at the instance of such plaintiff.

Agreed to.

Mr. Ream gave notice that, on to-morrow, or on some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Jackson Mill Company, in Holmes county.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Aten in the chair, on (S. No. 3,) bill to incorporate the Eaton Medical Society, and after some time spent therein, the committee rose and reported the same back without amendment.

On motion of Mr. Hazeltine,

The bill was committed to the committee on Corporations.

On motion of Mr. Henderson,

The Senate again resolved itself into committee of the whole, Mr. Henderson in the chair, on (S. No. 4,) bill to incorporate the Metho-

dist Protestant Church and Society, of the township of York, in the county of Medina, and after some time spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Barnett,

The bill was committed to the standing committee on Corporations.

On motion of Mr. Holmes,

The Senate again resolved itself into committee of the whole, Mr. Barnett in the chair, on (S. No. 5,) bill to incorporate St. John's First English Evangelical Church of Zanesville, in the county of Muskingum, and after some time spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Henderson,

The bill was committed to the standing committee on Corporations.

On motion of Mr. Henderson,

The Senate again resolved itself into committee of the whole, Mr. Carpenter in the chair, on (S. No. 6,) bill to incorporate Saint Peter's Church of Norwalk, in Huron county, and after some time spent therein, the committee rose, and reported the same back with sundry amendments, which were agreed to; and, on motion,

The bill was committed to the standing committee on Corporations.

On motion of Mr. Goodin,

The Senate took up the report of the committee on Unfinished Business.

On motion of Mr. McConnell,

So much of the unfinished business as relates to a bill for the relief of Jonathan Caywood and Walter Athey, was referred to the committee on Schools and School Lands.

On motion of Mr. Waddle,

So much of the report as relates to a bill to lay out and establish a state road in the counties of Fayette, Madison, Pickaway and Franklin, was referred to the standing committee on Roads and Highways.

On motion of Mr. Waddle,

So much of the report as relates to a bill to amend the act pointing out the mode of levying taxes, was referred to the standing committee on Finance.

On motion of Mr. Goodin,

So much of the report as relates to a bill to authorize the trustees of school section 16, in Hopewell township, Seneca county, to lease said school lands, was referred to a select committee of one.

Mr. Goodin was appointed said committee.

On motion of Mr. Henderson,

So much of the report as relates to the petition of Isaac Dillon, for a grant of water power, at the mouth of Licking creek, was referred to the standing committee on Canals.

On motion of Mr. Bartley,

So much thereof as relates to a bill to incorporate the State Bank of Ohio; a bill to establish a Safety Fund Banking System of Ohio; a bill to reform the Banking System of Ohio, &c., was referred to the standing committee on the Currency.

On motion of Mr. Henderson,

So much thereof as relates to the memorial of John Burwell, praying for relief for injury sustained by him, in consequence of raising the dam across the Muskingum river, at Zanesville, and the accompanying certificates, was referred to the standing committee on Canals.

On motion of Mr. Thomas,

So much thereof as relates to a bill further to amend the several acts establishing the Miami University, was referred to the standing committee on the Judiciary.

On motion of Mr. Sill,

So much thereof as relates to a bill to vacate part of a state road, running from the Pennsylvania state line to the Ohio canal, was referred to the standing committee on Roads and Highways.

On motion of Mr. Sill,

So much thereof as relates to a bill to encourage and regulate the establishment of School District Libraries, in the state of Ohio, was referred to a select committee of one; and Mr. Sill was appointed said committee.

On motion of Mr. Thomas,

So much thereof as relates to a bill to provide for the sale of the Canal Lands belonging to the state of Ohio, and to amend the several acts now in force, in relation thereto, was referred to the standing committee on Public Lands.

On motion of Mr. Dewey,

So much thereof as relates to a bill to authorize Stephen M. Bingham, to surrender a permanent lease, was referred to the standing committee on Schools and School Lands.

On motion of Mr. Stanton,

So much thereof as relates to petitions, remonstrances, &c., relative to a State road in the counties of Champaign, Miami, and Montgomery, was referred to the standing committee on Roads and Highways.

On motion of Mr. Godman,

So much thereof as relates to the new county of Marshall, was referred to the standing committee on New Counties.

On motion of Mr. Leonard,

The petitioners for the new county of Kendall, were granted leave to withdraw their petitions.

On motion of Mr. Hazeltine,

So much thereof as relates to petitions asking the passage of a law to prohibit the immigration of Blacks and Mulattoes into the state of Ohio, was referred to the standing committee on the Judiciary.

On motion of Mr. Harris,

So much thereof as relates to petitions, &c., for the construction of a canal from Wooster, in Wayne county, to the Ohio canal, near Portage Summit, was referred to the standing committee on Canals.

On motion of Mr. Stanton,

So much thereof as relates to the petitions of sundry citizens of the county of Hardin, praying that the surveyed route for a central canal

from Columbus to Lower Sandusky, may be adopted as one of the public works of the state, was referred to the standing committee on Canals.

On motion of Mr. Nash,

So much thereof as relates to the petitions of 227 citizens of the county of Gallia, asking aid in the construction of the turnpike from Gallipolis to Chillicothe, was referred to Messrs. Nash and Latham.

On motion of Mr. Crowell,

So much thereof as relates to a bill to incorporate the Warren Mechanics' and Farmers' Association, was referred to the standing committee on Corporations.

On motion of Mr. Root,

So much thereof as relates to a bill to amend the act entitled "an act to incorporate the Town of Milan," passed February 23, 1833, was referred to Mr. Root.

On motion of Mr. McConnell,

So much thereof as relates to the resolution calling for a report from the Board of Public Works, relative to water power on the Muskingum Improvement, was referred to the standing committee on Canals.

On motion of Mr. Henderson,

So much thereof as relates to a bill to lay out and establish a graded state road in the counties of Morgan and Muskingum, was referred to the standing committee on Roads and Highways.

On motion of Mr. Goodin,

The report was laid on the table.

Mr. Bartley, from the standing committee on the Judiciary, on leave, made the following report:

The standing committee on the Judiciary, to whom was referred the petition of Mary Pettit, for a divorce against Samuel Pettit, have had the same under consideration, and now report:

It appears from the petitioner's own showing, that at the time of her alleged marriage to Samuel Pettit, he was a married man, having a wife then living in Chester county, Pennsylvania, and that petitioner was prevailed upon to marry him by false and fraudulent representations, in the space of a very few days after her first acquaintance with him.

If a divorce were necessary, and the petitioner, under the circumstances, after so indiscreetly connecting herself in marriage with a man, who was almost an entire stranger to her, were entitled to a divorce, her case would clearly fall within the enumerated causes for divorce, over which the statute concerning divorce and alimony gives the supreme court the sole cognizance of granting divorces, the same being a case of fraudulent contract.

But the petitioner needs neither the action of the General Assembly, nor that of the supreme court, to absolve her from any marriage obligations, or to change her name. It is a well settled principle, that a marriage contract, in order to be legal and valid for any purposes,

must exist between two parties, each of whom is legally competent to enter into such a contract, and that a person under the obligations of an existing marriage contract, is an incompetent party to form another marriage contract. The alleged marriage, therefore, of the petitioner, is absolutely void, and neither legislative nor judicial relief is necessary, either to free her from any marriage obligations, or to change her name.

The committee, therefore, asks to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw her petition.

The report of the committee was agreed to, and petitioner had leave to withdraw her petition:

On motion of Mr. Waddle,

The Senate resolved itself into a committee of the whole, Mr. Crowell in the chair, on the bill (S. No. 7,) fixing the place for holding the tax sales for the county of Lucas; and after consideration thereof, the committee rose and reported the same back without amendment.

On motion of Mr. Harris,

The bill was referred to the standing committee on the Judiciary.

On motion of Mr. Crowell,

The Senate resolved itself into a committee of the whole, Mr. Clark in the chair, on the (S. No. 8,) bill to incorporate the First Presbyterian and Congregational Church and Society of Bazetta, in the county of Trumbull; and after some time spent therein, the committee rose and reported the same back without amendment.

On motion of Mr. Crowell,

The bill was amended; and the bill, together with the amendments, was recommitted to the standing committee on Corporations.

On motion of Mr. Nash,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

TUESDAY, DECEMBER 14, 1841.

The Senate met pursuant to adjournment.

Mr. Hazeltine presented the petition of citizens of the county of Preble, praying for a reduction of the State officers to the lowest constitutional number, and also for a reduction of their salaries; which was

Referred to the standing committee on Finance.

Mr. Bartley presented a petition from citizens of the county of Richland, on the subject of depositing the official bond of a justice of the peace in the township treasury; which was

Referred to the standing committee on the Judiciary.

Mr. Harris presented a petition from citizens of Ohio, praying for an investigation of the affairs of the German Bank of Wooster; which was

Referred to the standing committee on the Currency.

Mr. Holmes presented a petition from John Koch, and 142 others, for a charter for the German United Protestant Evangelical Congregation of Cincinnati; which was

Referred to the standing committee on the Judiciary.

Mr. Clark presented a petition from citizens of Chesterfield township, in the county of Lucas, praying for the sale of school section sixteen, in said township; which was

Referred to Mr. Clark.

Mr. McConnell presented a petition and accompanying papers from Jonathan Caywood and Walter Athey, praying for the passage of a law empowering the auditor of the county of Washington to receive further payment on a certificate for certain school lands; which were

Referred to the standing committee on Schools and School Lands.

Mr. Holmes, from the standing committee on Corporations, to whom was recommitted Senate bill No. 6, reported the same back with one amendment, which was agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 8, reported the same back without amendment. The bill was

Ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petitions of citizens of Lucas county, praying that so much of the Erie and Kalamazoo Railroad as lies in said county, may be subjected to taxation, reported the same back, and asked leave to be discharged from the further consideration thereof, and that the petitions be referred to the committee on Finance; which report was agreed to.

Mr. Walton, from the standing committee on the Judiciary, made a report on the petition of John Stewart for relief, asking to be discharged from the further consideration of the petition, and that the petitioner have leave to withdraw his petition.

On motion of Mr. Bartley,

The report was laid upon the table.

Mr. Nash, from the standing committee on Schools and School Lands, reported a bill, (S. No. 13,) to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens; which was read the first time.

Mr. Goodin, from the select committee on the subject, reported a bill (S. No. 14,) to authorize the trustees of school section sixteen, in Hopewell township, Seneca county; to lease said school lands; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 9; A bill to confirm and establish the county seat of Lucas county.

S. No. 10; A bill to compensate sufferers by riots;

S. No. 11; A bill to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line;

S. No. 12; A bill to amend the act entitled "an act to incorporate the Lancaster Lateral Canal Company," passed 8th January, 1826.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

A bill (H. No. 16,) to authorize the sale of school section number sixteen, in Harris township, in the county of Ottawa;

A bill (H. No. 17,) to incorporate the First Regular Baptist Church of Lowell, Washington county;

A bill (H. No. 18,) to amend the act entitled "an act to create the office of Township Assessor."

Attest:

GID. M. AYERS, Clerk.

On motion of Mr. Henderson,

The Senate resolved itself into committee of the whole. Mr. Dewey in the chair; on the bill (S. No. 9,) to confirm and establish the seat of justice for Lucas county, and after some time spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Taylor,

The bill was recommitted to the committee on the Judiciary.

On motion of Mr. Spangler,

The Senate again resolved itself into committee of the whole, Mr. Poos in the chair, on (S. No. 12,) the bill to amend the act entitled "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826, and after some time spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Leonard,

The bill was recommitted to the standing committee on Canals.

Mr. Goodin offered a resolution in relation to procuring, from the Secretary of State, indexes to all laws and resolutions of Ohio, which, with amendments, on motion,

Was laid upon the table.

Mr. Bartley gave notice that, on to-morrow, or some subsequent day of the present session, he would introduce a bill to prevent usury, and regulate the rate of interest;

Also, a bill to create the office of township collector, and define the duties thereof;

Also, a bill to secure the benefits of the writ of habeas corpus in all proper cases.

On motion of Mr. Goodin,

The resolution calling on the Secretary of State for indexes to all the laws and resolutions of Ohio, was taken up and referred to Mr. Goodin.

Mr. Thomas, from the joint committee upon that subject, made the following report; which was agreed to.

The committee of conference, appointed to settle the subject matter of disagreement between the two Houses, on the resolution authorizing the Speakers thereof to audit and settle the postage accounts of the members and officers of this General Assembly, have discharged the duties assigned them, and have agreed to report, for adoption, the following resolution:

Resolved by the Senate and House of Representatives, That the Speakers of the two Houses be, and they are hereby authorized and required, to audit and allow, for payment, out of the state treasury, the postage accounts of the members and officers of the present General Assembly, on all letters, papers and communications, received by, and charged to, them respectively, and on all letters which members shall deem proper to send, marked "paid."

Mr. Leonard demanded the yeas and nays on the adoption of the resolution, and they were ordered, and were, yeas 20, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Dewey, Ford, Harris, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, Nash, Ream, Ritchey, Sill, Spangler, Thomas, Walton and Speaker—20.

Nays—Messrs. Barnett, Crowell, Foss, Goodin, Latham, Leonard, McConnell, Perkins, Robbins, Root, Stanton, Taylor, Wade and Waddle—14.

So the resolution was adopted.

On motion of Mr. Ford, it was

Resolved by the Senate and House of Representatives, That a joint select committee of two on the part of the Senate, and—on the part of the House, be appointed to prepare and report rules for the government of the two Houses, during the present session.

Mr. Spangler presented the statement of the president of the Zanesville and Maysville Turnpike road company, in relation to the affairs of that company; which was laid on the table.

(See Vol. Pub. Doc., No. 7.)

Mr. Spangler, also, presented a memorial from the directors of the Zanesville and Maysville Turnpike road company; which was referred to the standing committee on Railroads and Turnpikes.

On motion of Mr. Stanton,

The Senate resolved itself into a committee of the whole Senate, Mr. Goodin in the chair, on the bill (S. No. 11,) to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line, and after some time spent in consideration thereof, the committee rose, and reported back the same with one amendment, which was agreed to, and the bill referred to the standing committee on Railroads and Turnpikes.

On motion of Mr. Henderson,
The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

WEDNESDAY, DECEMBER 15, 1841.

The Senate met pursuant to adjournment.

Mr. Crowell presented a petition from members of the bar, praying for the passage of a law fixing, permanently, the times of holding the courts of common pleas in the third judicial circuit.

On motion of Mr. Crowell,

The petition was referred to a select committee of two, and Messrs. Crowell and Wade were appointed said committee.

Mr. Taylor presented the memorial of B. Buckingham, J. Van Buskirk, and William Van Buskirk, which being read,

Mr. Taylor moved that the memorial be laid upon the table;

Upon which motion, Mr. Taylor demanded the yeas and nays, and they were ordered, and resulted as follows—yeas 20, nays 16, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Foos, Goodin, Harris, Hazeltine, Holmes; Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—20.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Godman, Henderson, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—16.

So the memorial was laid on the table.

Mr. Stanton presented a petition from citizens of Ohio, in relation to the Lewistown feeder and reservoir; which was referred to Mr. Stanton.

Mr. Bartley presented a petition from citizens of the county of Richland, for enlarging the Lunatic Asylum; which was referred to the standing committee on Public Institutions.

Mr. Spangler, from the standing committee on Finance, to which was referred so much of the unfinished business of the last session, as relates to a bill to amend the act pointing out the mode of levying taxes, reported back the bill and recommended its indefinite postponement; which was agreed to.

Mr. Thomas, from the standing committee on the Judiciary, to which was referred so much of the unfinished business, of the last session, as relates to a bill further to amend the several acts establishing the Miami University, reported by bill (S. No. 15;) which was read the first time.

Mr. McConnell, from the standing committee on Canals, to which was referred the bill (S. No. 12,) to amend the act entitled "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826, reported the same back without amendment, and the bill was

Ordered to be engrossed for a third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which was referred the bill (S. No. 4,) to incorporate the Methodist Protestant Church and Society, of the township of York, in the county of Medina, reported back the same without amendment, and it was *Ordered* to be engrossed for a third reading on to-morrow.

Mr. Holmes, from the same committee, to which was referred the bill (S. No. 5,) to incorporate St. John's First English Evangelical Church, of Zanesville, in the county of Muskingum, reported back the same without amendment, and it was

Ordered to be engrossed for a third reading on to-morrow.

The following bills of the Senate were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 13; A bill to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens;

S. No. 14; A bill to authorize the trustees of school section sixteen, in Hopewell township, Seneca county, to lease said school lands.

The following bills of the Senate were read the third time, and passed, to wit:

S. No. 6; An act to incorporate St. Peter's Church, of Norwalk, in Huron county;

S. No. 8; An act to incorporate the First Presbyterian and Congregational Church and Society, of Bazetta, in the county of Trumbull.

Message from the House of Representatives.

Mr. Speaker:

The House have passed the following resolution, in which they ask the concurrence of the Senate:

A resolution in relation to the admission of Hanson Young into the Ohio asylum for the blind.

Attest:

GID. M. AYRES, *Clerk.*

The resolution of the House was referred to the standing committee on Public Institutions.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred with the Senate, in relation to the resolution appointing a joint select committee, to prepare rules for the government of the two Houses during the present session, to which they ask the concurrence of the Senate.

Attest:

GID. M. AYRES, *Clerk.*

The amendment of the House was agreed to, and Messrs. Ford and Walton were appointed members of the committee on part of the Senate.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been read a third time and passed, to which the concurrence of the Senate is requested, to wit:

An act to change the name of Ossian B. D. Coates.

Attest:

GID. M. AYRES, *Clerk*.

The bill of the House was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House have concurred in the report of the joint committee appointed, in relation to the payment of the postage of members and officers of this General Assembly.

Attest:

GID. M. AYRES, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The House have indefinitely postponed the Senate resolution, in relation to printing the Auditor's report.

Attest:

GID. M. AYRES, *Clerk*.

Mr. Holmes offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That so soon as the present contracts for the employment of convict labor in the Ohio Penitentiary, shall expire, the directors of the same are hereby instructed so to employ and direct said convict labor in future, as not to come in competition with the mechanical labor of this State.

On motion of Mr. Holmes,

The resolution was laid on the table.

Mr. Goodin, from the select committee on the subject, reported, on leave, the following resolution, which was agreed to:

Resolved, That the Secretary of State be requested to furnish the Sergeant-at-arms, for the use of each member of the Senate, one copy of an index to all the laws and resolutions of the State of Ohio.

Mr. Ford offered for adoption the following resolution, which was agreed to:

Resolved, That the standing committee on the Judiciary be instructed to inquire what amendments, if any, are necessary to the law regulating the poor and poor houses, so as to enable the overseers of the poor of any township, in a county having a poor house, to furnish temporary relief when it may be necessary.

Mr. Walton offered for adoption the following resolution, which was agreed to:

Resolved, That the committee on the Currency be instructed to inquire into the expediency of the passage of a general law to regulate all banks which are created, or which may hereafter be created within this State.

Mr. Taylor offered for adoption the following resolution, which was agreed to:

Resolved, That the State Printer be instructed to furnish the Senate Reporters with one copy each of the bills ordered to be printed by this General Assembly.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Hostetter in the Chair, on the (S. No. 13,) bill to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens; and after sometime spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Nash,

The bill was recommitted to the standing committee on Schools and School Lands.

Agreeably to notice previously given,

Mr. Bartley introduced a bill (S. No. 18,) securing the benefits of the writ of habeas corpus, and repealing all laws heretofore passed on that subject; which was read the first time.

Agreeably to notice previously given,

Mr. Bartley introduced a bill (S. No. 17,) creating the office of township collector, and defining his duties; which was read the first time.

Agreeably to notice previously given,

Mr. Bartley introduced a bill, (S. No. 16,) to prevent usury, and regulate the rate of interest; which was read the first time.

Mr. Sill, from the select committee on that subject, reported a bill (S. No. 19,) to encourage and regulate the establishment of school district libraries; which was read the first time.

Mr. Clark, from the select committee on that subject, reported a bill (S. No. 20,) for the sale of school section number sixteen, in the township of Chesterfield, in the county of Lucas; which was read the first time.

Agreeably to notice previously given,

Mr. Beam introduced a bill (S. No. 21,) to incorporate the Jackson Mill Company; which was read the first time.

The Speaker presented the report of the Auditor of State, in relation to his contingent fund; which was laid on the table.

[See Vol. Pub. Doc. No. 10.]

Mr. Holmes gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend an act entitled, "an act to regulate the fees of officers in civil and criminal cases, in the county of Hamilton.

The Speaker presented the annual report of the Cincinnati, Lebanon and Springfield Turnpike Company, which,

On motion of Mr. Holmes, was

Laid upon the table.

[See Vol. Pub. Doc. No. 18.]

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill, No. 13, reported the same back with sundry amendments, which were adopted, and the bill *Ordered* to be engrossed for its third reading on to-morrow.

4—S. J.

Mr. Spangler, from the standing committee on Privileges and Elections, made the following report, which was agreed to, to wit:

The standing committee on Privileges and Elections, to whom was referred the certificates of election for members of the Senate therein named, have had the same under consideration, and now report:

That on the second Tuesday of October last, 1841, the following gentlemen were duly elected Senators, to represent their respective districts in the Senate of this State for the period of two years:

From the counties of—

Jefferson and Carroll—James Mitchell.

Clinton, Brown and Clermont—Griffith Foos, jr.

Hamilton—James J. Faran.

Columbiana—Charles M. Aten.

Adams, Highland and Fayette—William Robbins.

Gallia, Lawrence and Scioto—Simeon Nash.

Lucas, Henry, Williams, Paulding, Putnam, Vanwert, Allen and Hardin—Jacob Clark.

Guernsey and Monroe—William C. Walton.

Your committee further report, That the following named gentlemen have, in like manner, been duly elected, as appears from their certificates; but no time of service appears to be specified in their certificates:

From the counties of—

Belmont and Harrison—Chauncey Dewey.

Cuyahoga and Geauga—Seabury Ford.

Ashtabula and Lake—Benjamin F. Wade,

Muskingum—James Henderson.

Richland—Thomas W. Bartley.

Ross, Pike, Jackson and Hocking—Allen Latham.

Champaign, Logan and Union—Benjamin Stanton.

Perry, Morgan and Washington—Alexander McConnell and John Ritchey.

Athens and Meigs—Abraham Van Vorhes.

On motion,

The Senate resolved itself into committee of the whole, Mr. Latham in the chair, on Senate bill, No. 14, and after some time spent therein, the committee rose, and reported the same back without amendment.

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on Schools and School Lands.

Leave being granted,

Mr. Bartley, from the standing committee on the Judiciary, reported a bill (S. No. 22,) for the punishment of certain crimes and misdemeanors; which was read the first time.

On motion of Mr. Thomas,
The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

THURSDAY, DECEMBER 16, 1841.

The Senate met pursuant to adjournment.

Mr. Ream presented a petition from citizens of Holmes county, praying for a legislative committee to examine into the affairs of the German Bank of Wooster; which,

On motion, was

Referred to the standing committee on the Currency.

Mr. Root presented a petition from citizens of New Haven, in Huron county, for the incorporation of a religious society.

On motion, the petition was

Referred to a select committee of one, and

Mr. Root was appointed said committee.

Mr. Walton presented a memorial from the members of the Monroe Academical Association, and other citizens of Monroe county, praying for an appropriation for the use of said association.

On motion, the memorial was

Referred to a select committee of one, and

Mr. Walton was appointed said committee.

Mr. Walton presented a petition, praying for the incorporation of the Philomathean Literary Society of the Monroe Academy.

On motion, the petition was

Referred to a select committee of one, and

Mr. Walton was appointed said committee.

Mr. Carpenter presented a petition from G. W. Tyler, and 54 other citizens of Granger, Medina county, praying the repeal of the law passed during the session of 1838-'9, relating to fugitives from labor; also, praying for just and equitable laws which shall secure to every human being in this State the right of trial by jury, in every case where his or her personal liberty is in question; and, also, to secure to them, without regard to color, or measure of blood, a just and equal proportion of school privileges; and, further, praying the repeal of the law prohibiting blacks and mulattoes from giving testimony in cases where one of the parties to a suit is a white person.

Mr. Carpenter moved that said petition be referred to a select committee of three.

Mr. Spangler moved to strike out "a select committee of three," and insert "the Judiciary committee."

The question occurring on the amendment, the yeas and nays were demanded, which, being ordered, resulted as follows—yeas 23, nays 13, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Foos, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—23.

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Godman, Goodin, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—13.

So the amendment was agreed to, and the petition

Referred to the standing committee on the Judiciary.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of S. Walker and William Lawrence, for further legislation in relation to the commission of crimes which are *mala in se*; reported the same back, and recommended that it be laid upon the table; which was agreed to.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was recommitted the (S. No. 11,) bill to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana State line, reported back the same with amendments.

On the amendment to strike out from the sixth section of the bill the following words: "and in addition thereto, shall also be appropriated to said road, and in like manner paid, one third of all the money collected for road purposes, in each township, through which any part of said road may lie,"

Mr. Stanton demanded the yeas and nays, which were ordered, and were, yeas 24, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Ford, Godman, Goodin, Harris, Hazeltine, Holmes, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Taylor, Thomas, Van Vorhes, Waddle and Walton—24.

Nays—Messrs. Barnett, Dewey, Foos, Henderson, Hostetter, Perkins, Sill, Spangler, Stanton, Wade and Speaker—11.

So the amendment was agreed to.

On motion of Mr. Stanton,

The bill and amendments were laid on the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which had been referred a petition from citizens of Clear Creek township, Richland county, made the following report:

The committee on Schools and School Lands, to whom was committed the petition of sundry citizens of Clear Creek township, in the county of Richland, in relation to a school district, report:

The petitioners, after a statement of certain facts and proceedings, which it is not deemed important to recite, ask for the passage of a law legalizing the establishment of a certain school district, which they assert was laid off under the act of March 29, 1841. The question is directly presented, whether the legislature ought to interfere in the constitution of school districts. This district, if in compliance with law, is valid without legislative interposition. If it has not been

established in compliance with law, then we are asked to make it a legal district by legislation, and in opposition to the general law.

The committee think the laws in force afford ample remedy for the establishment of school districts. The jurisdiction in these cases, is committed to the township trustees; and they are also empowered to alter them, under certain restrictions. The committee think the trustees are better situated to adjust any conflicts, than the members of the legislature. They are upon the ground, know all the facts, and can decide understandingly. If this were not so, the committee think that this is a case which should be regulated by general, and not by special, legislation. Districts established by the trustees can be altered by the same; but when established by an act of the legislature, an act of legislation alone can alter them. The number of school districts in the State preclude this subject from special legislation. If once entertained, it would become interminable. If the general law is defective—does not give the trustees sufficient power, then let the general law be amended, instead of spending our time in correcting the imperfections of general, by special, legislation.

The committee, therefore, ask to be discharged from the further consideration of the subject, and recommend that the petitioners have leave to withdraw their petition.

On motion of Mr. Bartley,

The report was laid upon the table.

Mr. Holmes, from the standing committee on Corporations, to which had been referred so much of the unfinished business of last session as relates to an act to incorporate the Warren Mechanics' and Farmers' Association, reported the same back, with a recommendation that it be indefinitely postponed; which was agreed to.

Mr. Root, from the select committee on that subject, reported a bill (S. No. 23,) to incorporate the First Regular Baptist Church and Society of New Haven, in Huron county; which was read the first time.

The following bill of the House was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

H. No. 8; A bill to change the name of Ossian B. D. Coates.

The following bills of the Senate were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 15; A bill further to amend the several acts establishing the Miami University;

S. No. 16; A bill to prevent usury, and regulate the rate of interest;

S. No. 17; A bill creating the office of township assessor, and defining his duties;

S. No. 18; A bill securing the benefits of the writ of habeas corpus, and repealing all laws heretofore passed on that subject;

S. No. 19; A bill to encourage and regulate the establishment of school district libraries;

S. No. 20; A bill for the sale of school section number sixteen, in the township of Chesterfield, Lucas county;

S. No. 21; A bill to incorporate the Jackson Mill Company;

S. No. 22; A bill for the punishment of certain crimes and misdemeanors,

The following bills were read the third time and passed, to wit:

S. No. 4; An act to incorporate the Methodist Protestant Church and Society of the township of York, in the county of Medina;

S. No. 5; An act to incorporate St. John's First English Evangelical Church of Zanesville, in the county of Muskingum;

S. No. 6; An act to amend the act entitled, "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826;

S. No. 13; An act to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been reported to the House, and read a first time, to wit:

A bill (H. No. 19,) to lay out and establish a State road in the counties of Lucas, Ottawa and Sandusky.

Attest:

GID. M. AYERS, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the Senate resolution in relation to printing the Auditor's report.

Attest:

GID. M. AYERS, *Clerk.*

Mr. Nash gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled, "an act defining the powers and duties of Justices of the Peace and Constables in criminal cases," passed March 27, 1837, and the several acts amendatory thereto.

Mr. Van Vorhes, agreeably to notice previously given, introduced a bill (S. No. 24,) to amend the act entitled, "an act to incorporate the town of Athens," passed January 24, 1829; which was read the first time.

Agreeably to notice previously given,

Mr. Barnett introduced a bill (S. No. 25,) to amend the act entitled, "an act to incorporate the Dayton, Watervleit and Xenia Turnpike Road Company; which was read the first time.

On motion of Mr. Henderson,

The Senate resolved itself into a committee of the whole Senate, Mr. Leonard in the chair, on the bill, (H. No. 8,) to change the name of Ossian B. D. Coates, and after some time spent in the consideration thereof, reported it back with one amendment; and,

On motion of Mr. Hazeltine,

The bill was referred to a select committee of one.

Mr. Hazeltine was appointed said committee.

Mr. Ford, from the joint select committee to prepare rules for the government of the two Houses, on leave, made the following report, which, on his motion, was laid on the table:

The joint select committee, appointed to prepare rules for the government of both Houses, have had that subject under consideration, and now report the following rules, to wit:

1. When the business requires the attendance of the Senate in the Representatives' hall, they, with their Clerk, shall be conducted with-in the bar, and there seated; and the Speaker of the Senate shall take a seat in the Speaker's chair, on the right of the Speaker of the House of Representatives.

2. All messages shall be conveyed by the Sergeant-at-arms of the House from which they are sent; and in case of the absence or inability of the Sergeant-at-arms, then by such person as the Speaker may designate for that purpose.

3. When a message shall be sent by either House to the other, it shall be immediately announced at the bar of the House to which it is sent by the Doorkeeper, and shall be, by the bearer, delivered to the Clerk of the other branch, at his desk, who shall read the same to the House to which it belongs.

4. After a bill or joint resolution has passed both Houses, and amendments made by either House may be pending, it shall not be in order for either House to postpone such bill or resolution beyond the session; but all differences between the two Houses relative to amendments, may be submitted to committees of conference.

5. In all cases of difference between the two Houses relative to amendments, the order shall be to insist, in the first instance, before adhering; and the first adherence by either House shall preclude a committee of conference.

6. Committees of Conference shall be appointed when any disagreement of opinion shall exist between the two Houses; which committee shall report the result of their deliberations to their respective Houses.

7. When the committees of conference of the two Houses shall disagree, other committees may be appointed; and if either of the Houses shall disagree to any report of a committee of conference, such House shall forthwith notify the other of such disagreement, and request another committee of conference, and thereupon other committees shall be appointed.

8. When a bill or joint resolution shall have passed either House, notice thereof shall be forthwith communicated to the other House.

9. When a bill shall be reported to either House, advice thereof shall be given to the other House; but no notice of the presentation or reference of petitions, memorials, or remonstrances, or of the appointment of committees shall be given.

10. When a bill or joint resolution, which shall have been passed in one House, is rejected in the other, or postponed beyond the session,

notice thereof shall be given to the other House, in which the same may have passed.

11. The Clerk of either House shall, unless otherwise directed by the House, deliver a copy of every bill, resolution or report, after its first reading, to the public printer, who shall print copies thereof for the use of the members.

12. After a bill shall have passed both Houses, it shall be enrolled by the Clerk of the House in which it originated.

13. When bills or joint resolutions are enrolled, they shall be examined by a joint committee of two members from each House, to be appointed a standing committee for that purpose, whose duty it shall be to compare the enrolled with the engrossed bills and resolutions, passed by the two Houses, correct any clerical errors which may be discovered, and report forthwith to their respective Houses.

14. After examination and report, each bill and joint resolution shall be signed in their respective Houses; first, by the Speaker of the House of Representatives, and then by the Speaker of the Senate, who shall affix the date thereto.

15. Each bill and resolution, when signed by the Speaker of the Senate, shall be by the clerk delivered to a member of the committee of enrolment on the part of the Senate, who shall deposit the same in the office of the Secretary of State, and take his receipt therefor, which receipt shall be filed with the papers of the Senate.

16. When the two Houses shall meet to proceed by joint ballot to any election, the Speaker of the Senate shall preside, so far as to declare the officers to be elected, the result of each balloting, and the name of the person elected.

17. Each House, in joint meeting, shall be governed by the same rules of order that govern them in their separate Houses, and be attended by their respective Sergeant-at-arms.

18. No person shall be declared elected to any office, who shall not have received a majority of all the votes of the members present and voting, and each paper put in the ballot box shall be counted a vote, unless the number of papers shall exceed the number of members voting, in which case it shall be declared there is no election.

19. It shall be the duty of the Speaker of the Senate, in all elections by joint ballot, or otherwise, after the votes have been collected, to call on the members present, whether they have voted—if not, to come forward and vote, and charge the members accordingly.

20. When two or more persons are to be elected to the same office, and ballotted for at the same time, the number of persons to be elected, who may have a majority of all the votes of the members, and are highest on the list of votes, shall be declared elected.

21. The doorkeepers of the respective Houses shall discharge the ordinary duties of Sergeant-at-arms, until otherwise directed.

22. The usual number of copies of each message, report, or other document, and no more, shall be printed, unless an additional number shall be ordered by joint resolution of both Houses.

23. When a bill shall have passed in either House and be sent to

the other for concurrence, the accompanying documents shall be transmitted with such bill.

On motion of Mr. Stanton,

The bill (S. No. 11,) to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line, was taken up, together with the amendments thereto, and recommitted to a select committee of one; Mr. Stanton was appointed said committee.

On motion of Mr. Taylor,

The resolution providing for the appointment of Bank Commissioners was taken up and recommitted to the committee on the Currency.

On motion of Mr. Taylor,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

FRIDAY, DECEMBER 17, 1841.

Mr. Holmes presented a petition from citizens of Hamilton county, praying for an enlargement of the Ohio Lunatic Asylum; which,

On motion of Mr. Holmes,

Was referred to the standing committee on Public Institutions.

Mr. Carpenter presented a petition from 62 citizens of Hudson, Summit county, for a repeal of the act of 1838-9, relating to fugitives from slave states; which,

On motion of Mr. Carpenter,

Was referred to the standing committee on the Judiciary.

Mr. Carpenter, also, presented a petition from 60 citizens of Hudson, to modify the laws relating to colored persons, so as to secure to them a just proportion of revenue, applied to the support of schools, &c.; which,

On motion of Mr. Carpenter,

Was referred to the standing committee on the Judiciary.

Mr. Carpenter, also, presented a petition from 62 citizens of Hudson, for a repeal of the law barring colored persons from testifying in certain cases; which,

On motion of Mr. Carpenter,

Was referred to the standing committee on the Judiciary.

Mr. Carpenter, also, presented a petition from 59 citizens of Hudson, for a law making towns, &c., liable for mob damages; which,

On motion of Mr. Carpenter,

Was referred to the standing committee on the Judiciary.

Mr. Carpenter, also, presented a petition from 62 citizens of Hudson, for a law securing to every human being the right of trial by jury; which,

On motion of Mr. Carpenter,

Was referred to the standing committee on the Judiciary.

Mr. Dewey presented a petition from 23 citizens of the county of Belmont, asking for a modification of the school laws; which was referred to the standing committee on the Judiciary.

Also, a petition from 23 citizens of the county of Belmont, asking for the repeal of the law entitled an act relating to fugitives from labor or service of other states, passed during the session of 1838-9; which was referred to the same committee.

Also, a petition from 21 citizens of the county of Belmont, asking for the repeal of the law prohibiting blacks or mulattoes from bearing testimony in any case where one of the parties to the suit is a white person; which was referred to the same committee.

Also, a petition from 23 citizens of the county of Belmont, asking for the passage of a law securing the right of trial by jury to every human being within the state, in every case where his or her liberty is in question; which was referred to the same committee.

Also, a petition from 27 citizens of the county of Belmont, asking for the passage of a law making towns and cities liable for damages done by mobs; which was referred to the same committee.

Mr. Taylor, from the standing committee on the Currency, to which had been referred the resolution in relation to Bank Commissioners, made the following report:

The standing committee on the Currency, to which was recommit-
ted the resolution for the appointment of Bank Commissioners, report
the same back with the following amendment: 1st amendment, lines
1 and 2, insert the names of Eber W. Hubbard, Bela Latham, and Will-
iam Conclin.

Mr. Root moved to lay the resolution and amendment on the table;
on which motion,

Mr. Thomas demanded the yeas and nays, which were ordered, and
were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos,
Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van
Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine,
Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream,
Richey, Spangler, Taylor, Walton and Speaker—18.

So the motion was lost.

Mr. Thomas called for a division of the question, and it turning on
inserting the name of Eber W. Hubbard, as one of the Bank Commis-
sioners,

Mr. Stanton moved to postpone the consideration of the subject un-
til to-morrow; upon which motion he demanded the yeas and nays,
and they were ordered, and were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos,
Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes,
Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine,

Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the motion to postpone was lost.

Mr. Stanton asked for a call of the Senate, which was made, and all the members being found present,

Mr. Thomas moved that all further proceedings under the call be dispensed with; which motion was agreed to.

The question then recurred on inserting the name of Eber W. Hubbard, and it was carried, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the name of Eber W. Hubbard was inserted.

The question then recurring on inserting the name of Bela Latham, it was agreed to without a division.

The question then recurring on inserting the name of William Conclin,

Mr. Thomas demanded the yeas and nays, which were ordered, and were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the name of William Conclin was inserted.

Mr. Root moved to amend the resolution by adding the following: "and that the said Bank Commissioners are hereby instructed to use all legal means to bring to just punishment all persons who have, within this state, put in circulation such unauthorized bank paper as the following, to wit:

50 CENTS.

50 CENTS.

"REAL ESTATE PLEDGED.

"One day after date pay to the order of Thomas Huston fifty cents.

"CIRCLEVILLE, OHIO, Sept. 14, 1837.

"To Messrs. Olds, Smith & Co.

"EDSON B. OLDS."

50 CENTS.

50 CENTS.

Mr. Taylor moved to amend the amendment by adding the following:

"Provided further, That nothing in this resolution shall be so construed as to prevent Mr. "Botts" from heading "Captain Tyler."

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 11, nays 25, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Goodin, Harris, Hazeltine, Holmes, Latham, Mitchell, Ream and Taylor—11.

Nays—Messrs. Aten, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Hostetter, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—25.

So the amendment to the amendment was rejected.

The question then recurring on agreeing to the amendment offered by Mr. Root, it was rejected—yeas 12, nays 24, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Root, Stanton, Thomas, Wade and Waddle—12.

Nays—Messrs. Aten, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, Van Vorhes, Walton and Speaker—24.

Mr. Crowell moved to recommit the resolution to the standing committee on the Currency, with instructions to strike out the name of Eber W. Hubbard.

Mr. Hazeltine asked for a call of the Senate, which was made, and Mr. Henderson found absent.

On motion of Mr. Taylor,

All further proceedings under the call were dispensed with.

Mr. Taylor then demanded the yeas and nays on the motion to recommit, and they were ordered, and were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the motion to recommit was lost.

Mr. Carpenter moved to amend the resolution by adding the following:

“Provided, That the act to which this resolution refers shall be, and is hereby declared to be, absolute and imperative over the official conduct of said commissioners, and not to be disregarded at their discretion—their making Ohio the common plunder ground for those who are purchasing specie or making collections in the western states, notwithstanding.”

And, on his motion, demanded the yeas and nays, which were ordered, and were, yeas 14, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Root, Stanton, Thomas, Van Vorhes and Waddle—14.

Nays—Messrs. Aten, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConbell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—20.

So the amendment was rejected.

The question then recurring on the adoption of the resolution, it was agreed to—yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Foos, Godman, Henderson, Nash, Root, Stanton, Thomas, Van Vorhes and Waddle—13.

On motion of Mr. Taylor,
The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

SATURDAY, DECEMBER 18, 1841.

The Senate met pursuant to adjournment.

Mr. Hostetter presented a memorial from 52 citizens of the counties of Stark and Portage, remonstrating against the vacation of a certain road; which,

On motion of Mr. Hostetter,

Was referred to the standing committee on Roads and Highways.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 3, to incorporate the Eaton Medical Society, reported the same back with sundry amendments, which were agreed to.

On motion of Mr. Carpenter,

The bill was recommitted to the standing committee on Medical Colleges and Universities.

Mr. Walton, from the select committee on that subject, reported a bill (S. No. 26), to incorporate the Philomathean Literary Society of the Monroe Academy; which was read the first time.

The following bills of the Senate were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day:

S. No. 23; A bill to incorporate the First Regular Baptist Church and Society of New Haven, in Huron county;

S. No. 24; A bill to amend the act entitled "an act to incorporate the town of Athens," passed January 24, 1829;

S. No. 25; A bill to amend the act entitled "an act to incorporate the Dayton, Watervleit and Xenia Turnpike Road Company.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read a third time, and passed the House, in which they ask the concurrence of the Senate, to wit:

H. No. 1; An act to incorporate the First Christian Church, of Paint creek, in Gasper township, in Preble county;

H. No. 3; An act to incorporate the First Presbyterian Society, of Newburg, in the county of Cuyahoga;

H. No. 4; An act to incorporate the First Moral Library Association, of Williamsfield, in the county of Ashtabula;

H. No. 5; An act to incorporate the First Free Will Baptist Society, of Brunswick, Medina county;

H. No. 13; An act to incorporate Jefferson lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which they ask the concurrence of the Senate:

H. No. 7; An act to amend the act entitled "an act to authorize the establishment of poor houses."

The following bill has been introduced into the House, and read the first time, to wit:

H. No. 23; A bill to incorporate the First Baptist Church, of Amherst, Lorain county, Ohio.

The following resolution has passed the House, in which they ask the concurrence of the Senate:

A resolution in relation to the appointment of trustees of the Charity School, of Kendall, in the town of Kendall, Stark county, Ohio.

Attest:

GID. M. AYRES, *Clerk.*

The bill of the House was read the first time.

On motion of Mr. Hostetter,

The resolution of the House was referred to a select committee of one, and Mr. Hostetter was appointed said committee.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 20; A bill to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain denominations," passed January 28, 1824;

H. No. 21; A bill to amend the act entitled "an act to incorporate the town of New Lisbon, in the county of Columbiana;"

H. No. 22; A bill to incorporate Engine Company No. 1, of Massillon, Stark county, Ohio.

Attest:

GID. M. AYRES, *Clerk.*

Mr. Thomas, on leave, presented a petition from citizens of school district No. 9, in Newberry township, in the county of Miami, asking for an act to enable J. W. Henderson to receive his compensation as a teacher in said district; which was referred to the standing committee on Schools and School Lands.

On motion of Mr. Taylor,

The memorial of B. Buckingham and others was taken up, and,

On motion of Mr. Spangler,

Referred to the standing committee on Canals.

Mr. Hazeltine, from the select committee, to which was referred the bill (H. No. 8,) to change the name of Ossian B. D. Coates, reported back the same without amendment, and recommended its passage.

Mr. Root moved to postpone, indefinitely, the further consideration of the bill, and, on his motion, demanded the yeas and nays, which were ordered, and were, yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Ford, Foos, Godman, Leonard, Nash, Perkins, Robbins, Root, Stanton, Thomas, Van Vorhes, Waddle and Speaker—16.

Nays—Messrs. Aten, Barnett, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Sill, Spangler, Taylor and Wade—17.

So the motion to postpone was lost.

Mr. Thomas moved to lay the bill on the table, and, on his motion, demanded the yeas and nays, which were ordered, and were, yeas 15, nays 19, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Ford, Foos, Godman, Leonard, Nash, Perkins, Robbins, Root, Sill, Thomas, Van Vorhes and Waddle—15.

Nays—Messrs. Aten, Barnett, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Stanton, Taylor, Wade, Walton and Speaker—19.

So the motion was lost.

The question then recurring on ordering the bill for its third reading,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 19, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Dewey, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Sill, Spangler, Taylor, Wade and Walton—19.

Nays—Messrs. Carpenter, Crowell, Ford, Foos, Godman, Leonard, Nash, Perkins, Robbins, Root, Stanton, Thomas, Van Vorhes, Waddle and Speaker—15.

So the bill was ordered for its third reading on Monday next.

On motion of Mr. Taylor, it was

Resolved, That the Board of Public Works be required to inform the Senate, at as early a day as practicable, why the water is drawn

off from the feeder of the North Fork of Licking, and why it is not allowed to flow down said feeder as heretofore it has been accustomed to do.

On motion of Mr. Foos,
The report of the Auditor of State was taken up.

On motion of Mr. Foos, it was

Resolved, That so much of the appendix to the report of the Auditor of State as relates to the Goshen, Wilmington and Columbus Turnpike company be referred to the standing committee on Railroads and Turnpikes.

On motion of Mr. Crowell, it was

Resolved, That so much of the Auditor's report as relates to the appointment of a legal adviser to the officers of state, be referred to the standing committee on the Judiciary.

The Speaker announced the following standing committee on the Public Debt: Messrs. Latham, Waddle and Bartley.

Mr. Crowell gave notice that, on Monday next, or some subsequent day of the session, he should introduce a bill to amend the act abolishing imprisonment for debt, and the act amendatory thereto.

On motion of Mr. Spangler,

The Senate adjourned to Monday next at 10 o'clock.

Attest:

THOMAS J. MORGAN, *Clerk*.

MONDAY, DECEMBER 20, 1841.

The Senate met pursuant to adjournment.

Mr. Spangler asked for a call of the Senate, which was made; and a quorum being found present,

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

Mr. Barnett presented a petition from the president, directors, and stockholders of the Dayton and Covington Turnpike Road Company, praying for the passage of a law to authorize them to receive toll at the bridge across the Miami River on said road; which was

Referred to a select committee of one, and

Mr. Barnett was appointed said committee.

Mr. Wade presented a petition from citizens of the county of Ash-tabula, praying for a continuance of the premium on cocoons, in order to encourage the culture of silk; which was

Referred to the standing committee on Commerce, Agriculture, and Manufactures.

Mr. McConnell presented a petition from Hiram R. Deming for damages by reason of the construction of the Hoeking canal; which was

Referred to the standing committee on Canals.

Mr. Mitchell presented a memorial and statement of the condition of the Farmers' and Mechanics' Bank of Steubenville; which was laid on the table.

Mr. Van Vorhes presented a petition from Peter Bebee, for a law authorizing an increase of tolls on the Federal Creek Toll Bridge; which was

Referred to a select committee of one, and

Mr. Van Vorhes appointed said committee.

Also, a petition from Matthew D. Wolf, praying for the appointment of commissioners to assess damages sustained by him by reason of the construction of the Hocking canal; which was

Referred to the standing committee on Canals.

Also, a petition from Ralph Bingham for a divorce from his wife, Esther Bingham; which was

Referred to the standing committee on the Judiciary.

The Speaker presented a statement of the condition of the Cincinnati, Columbus and Wooster Turnpike Road Company, November 15, 1841; which,

On motion of Mr. Perkins,

Was laid on the table.

[See Vol. Pub. Doc., No. 16.]

The Speaker also presented a memorial from the president and directors of the Commercial Bank of Cincinnati, in relation to a recharter of said bank, which,

On motion of Mr. Spangler,

Was laid on the table.

The Speaker also presented a memorial from the president and directors of the Franklin Bank of Cincinnati, in relation to a recharter of said bank, which,

On motion of Mr. Spangler,

Was laid on the table.

Mr. Hostetter, from the select committee to which was referred the following resolution of the House:

Resolved by the General Assembly of the State of Ohio, That William Dunbar, Thomas Blackburn, Matthias Sheplar, John W. Greenwood, and Gilberthorp Earl, of Stark county, be and they are hereby appointed trustees of the charity school of Kendall, in the county of Stark, in place of Arvine Wales, Isaac Bowman, Gilberthorp Earl, Samuel Schrantz and Alexander McCully, whose terms of office expire on the 24th day of January, 1842,

Reported back the same with one amendment, to wit:

Line 5, after the word "of," insert the word "service."

The amendment was adopted, and the resolution, as amended, agreed to.

The following bill of the Senate was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

5—S. 1.

S. No. 26; A bill to incorporate the Philomathean Literary Society of the Monroe Academy.

The following bill of the House was read the third time, to wit:

H. No. 3; A bill to change the name of Ossian B. D. Coates.

The bill being on its final passage,

Mr. Godman demanded the yeas and nays, which were ordered, and were, yeas 20, nays 12, as follows, to-wit:

Yeas—Messrs. Allen, Barnett, Bartley, Dewey, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Sill, Spangler, Taylor, Wade and Walton—20.

Nays—Messrs. Carpenter, Crowell, Ford, Fobs, Godman, Leonard, Perkins, Robbins, Root, Van Vorhes, Waddle and Speaker—12.

So the bill passed.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed Senate resolution in relation to extending the payment of taxes to county treasurers.

Attest:

GID. M. AYERS, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 24; A bill to amend the act entitled, "an act to allow juries before justices of the peace;"

H. No. 25; A bill to amend the act entitled, "an act to regulate the taxation and collection of costs," passed March 9, 1835.

The House have passed the following resolution, to which they ask the concurrence of the Senate:

A resolution requiring the Auditor of State to communicate with the presidents and cashiers of the several incorporated Banks of this State, propounding certain interrogatories to them, therein proposed.

Attest:

GID. M. AYERS, *Clerk.*

The resolution of the House was referred to the standing committee on the Currency.

Mr. Godman gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the sale of certain school lands in Washington township, Marion county.

On motion of Mr. Goodin,

The Senate resolved itself into committee of the whole, Mr. Harris in the chair, on the bill (S. No. 16,) to prevent usury and regulate the rate of interest, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Crowell,
The bill was laid upon the table.

On motion of Mr. Spangler,
The Senate again resolved itself into committee of the whole, Mr. Hazeltine in the chair, on the (S. No. 17,) bill creating the office of township collector, and defining his duties; and after some time spent in the consideration thereof, the committee rose, and reported the same back with one amendment.

On motion of Mr. Bartley,
The bill and pending amendment were laid upon the table.

On motion of Mr. Barnett,
The Senate again resolved itself into committee of the whole, Mr. Ford in the Chair, on the (S. No. 19,) bill to encourage and regulate the establishment of school district libraries; and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Sill,
The bill was recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Ford,
The Senate again resolved itself into committee of the whole, Mr. Mitchell in the chair, on the (S. No. 20,) bill to authorize the sale of school section number sixteen, in Chesterfield township, in the county of Lucas; and after some time spent in consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Taylor,
The bill was laid upon the table.

On motion of Mr. Holmes,
The Senate again resolved itself into committee of the whole, Mr. McConnell in the chair, on the (S. No. 21,) bill to incorporate the Jackson Mill Company, and after some time spent in the consideration thereof, the committee rose, and reported the same back with one amendment.

On motion of Mr. Walton,
The bill, with the amendment, was recommitted to the standing committee on Corporations.

On motion of Mr. Ford,
The Senate again resolved itself into committee of the whole, Mr. Perkins in the chair, on the (S. No. 23,) bill to incorporate the First Regular Baptist Church and Society of New Haven, in the county of Huron; and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Hazeltine,
The bill was recommitted to the standing committee on Corporations.

On motion of Mr. Spangler,
The Senate again resolved itself into committee of the whole, Mr. Ream in the chair, on the (S. No. 24,) bill to amend the act entitled, "an act to incorporate the town of Athens," passed January 24, 1829;

and after some time spent in the consideration thereof, the committee rose, and reported the same back with one amendment.

On motion of Mr. Spangler,

The bill and amendment were recommitted to the standing committee on Corporations.

On motion of Mr. Harris,

The Senate again resolved itself into committee of the whole, Mr. Ritchey in the chair, on the (S. No. 25,) bill to amend the act entitled, "an act to incorporate the Dayton, Watervleit and Xenia Turnpike Road Company;" and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Barnett,

The bill was recommitted to the standing committee on Railroads and Turnpikes.

Mr. Stanton, from the joint select committee on that subject, reported a bill (S. No. 27,) to fix the times of holding the supreme court; which was read the first time.

On motion of Mr. Hazeltine,

The report of the Auditor of State was taken up, and so much thereof as relates to the defalcation of State officers, was

Referred to the standing committee on the Judiciary.

On motion of Mr. Hazeltine,

The report was laid on the table.

On motion of Mr. Ford,

The Senate took up the report of the joint select committee appointed to prepare rules for the government of the two houses, and

The Senate then resolved itself into committee of the whole, Mr. Nash in the chair, on said report; and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment, and the report was agreed to, as follows:

JOINT RULES.

1. When the business requires the attendance of the Senate in the Representatives' hall, they, with their Clerk, shall be conducted with in the bar, and there seated; and the Speaker of the Senate shall take a seat in the Speaker's chair, on the right of the Speaker of the House of Representatives.

2. All messages shall be conveyed by the Sergeant-at-arms of the House from which they are sent; and in case of the absence or inability of the Sergeant-at-arms, then by such person as the Speaker may designate for that purpose.

3. When a message shall be sent by either House to the other, it shall be immediately announced at the bar of the House to which it is sent by the Doorkeeper, and shall be, by the bearer, delivered to the Clerk of the other branch, at his desk, who shall read the same to the House to which it belongs.

4. After a bill or joint resolution has passed both Houses, and amendments made by either House may be pending, it shall not be in order for either House to postpone such bill or resolution beyond the session; but all differences between the two Houses relative to amendments, may be submitted to committees of conference.

5. In all cases of difference between the two Houses relative to amendments, the order shall be to insist, in the first instance, before adhering; and the first adherence by either House shall preclude a committee of conference.

6. Committees of Conference shall be appointed when any disagreement of opinion shall exist between the two Houses; which committee shall report the result of their deliberations to their respective Houses.

7. When the committees of conference of the two Houses shall disagree, other committees may be appointed; and if either of the Houses shall disagree to any report of a committee of conference, such House shall forthwith notify the other of such disagreement, and request another committee of conference, and thereupon other committees shall be appointed.

8. When a bill or joint resolution shall have passed either House, notice thereof shall be forthwith communicated to the other House.

9. When a bill shall be reported to either House, advice thereof shall be given to the other House; but no notice of the presentation or reference of petitions, memorials, or remonstrances, or of the appointment of committees shall be given.

10. When a bill or joint resolution, which shall have been passed in one House, is rejected in the other, or postponed beyond the session, notice thereof shall be given to the other House, in which the same may have passed.

11. The Clerk of either House shall, unless otherwise directed by the House, deliver a copy of every bill, resolution or report, after its first reading, to the public printer, who shall print copies thereof for the use of the members.

12. After a bill shall have passed both Houses, it shall be enrolled by the Clerk of the House in which it originated.

13. When bills or joint resolutions are enrolled, they shall be examined by a joint committee of two members from each House, to be appointed a standing committee for that purpose, whose duty it shall be to compare the enrolled with the engrossed bills and resolutions, passed by the two Houses, correct any clerical errors which may be discovered, and report forthwith to their respective Houses.

14. After examination and report, each bill and joint resolution shall be signed in their respective Houses; first, by the Speaker of the House of Representatives, and then by the Speaker of the Senate, who shall affix the date thereto.

15. Each bill and resolution, when signed by the Speaker of the Senate, shall be by the clerk delivered to a member of the committee of enrolment on the part of the Senate, who shall deposit the same in the

office of the Secretary of State, and take his receipt therefor, which receipt shall be filed with the papers of the Senate.

16. When the two Houses shall meet to proceed by joint ballot to any election, the Speaker of the Senate shall preside, so far as to declare the officers to be elected, the result of each balloting, and the name of the person elected.

17. Each House, in joint meeting, shall be governed by the same rules of order that govern them in their separate Houses, and be attended by their respective Sergeants-at-arms.

18. No person shall be declared elected to any office, who shall not have received a majority of all the votes of the members present and voting, and each paper put in the ballot box shall be counted a vote, unless the number of papers shall exceed the number of members voting, in which case it shall be declared there is no election.

19. It shall be the duty of the Speaker of the Senate, in all elections by joint ballot, or otherwise, after the votes have been collected, to call on the members present, whether they have voted—if not, to come forward and vote, and charge the members accordingly.

20. When two or more persons are to be elected to the same office, and ballotted for at the same time, the number of persons to be elected, who may have a majority of all the votes of the members, and are highest on the list of votes, shall be declared elected.

21. The doorkeepers of the respective Houses shall discharge the ordinary duties of Sergeant-at-arms, until otherwise directed.

22. The usual number of copies of each message, report, or other document, and no more, shall be printed, unless an additional number shall be ordered by joint resolution of both Houses.

23. When a bill shall have passed in either House, and be sent to the other for concurrence, the accompanying documents shall be transmitted with such bill.

On motion of Mr. Spangler,

The Senate took up the report of the Zanesville and Maysville Turnpike Road Company; and, on his motion,

The report was referred to the standing committee on Railroads and Turnpikes.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested:

H. No. 14; An act to amend the act entitled, "an act providing for the punishment of certain crimes," passed March 7, 1835.

The House has passed the following resolutions, to which the concurrence of the Senate is requested:

A resolution requiring the Clerk of the Court of Common Pleas of Portage county, to make certain dispositions of the extra number of Swan's Collated Statutes, that are in his possession;

A resolution appointing a joint select committee in relation to

amending the constitution, so far as relates to the organization of the judiciary department.

Attest:

GID. M. AYERS, *Clerk.*

The bill of the House was read the first time.

The resolution of the House, requiring the Clerk of Common Pleas of Portage county, to make certain dispositions of the extra number of Swan's Collated Statutes, was,

On motion of Mr. Carpenter,
Laid on the table.

The consideration of the resolution of the House, appointing a joint select committee in relation to amending the constitution so far as relates to the organization of the judiciary department, was,

On motion of Mr. Spangler,
Postponed until Wednesday next.

Mr. Holmes, agreeably to previous notice, introduced a bill (S. No. 28,) to revive the 3d. section of an act entitled, "an act to amend the act entitled, 'an act to regulate the fees of officers in civil and criminal cases,'" which was read the first time.

Mr. Stanton, from the select committee on that subject, reported a bill (S. No. 29,) to establish the Lewistown Feeder and Reservoir of the Miami canal; which was read the first time.

On motion of Mr. Nash,
The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

TUESDAY, DECEMBER 21, 1841.

The Senate met pursuant to adjournment.

Mr. Holmes presented a petition from sundry citizens of Hamilton county, praying the appropriation of money, for the extension and enlargement of the Ohio Lunatic Asylum; which was

Referred to the standing committee on Public Institutions.

Mr. Ford presented a petition from the commissioners of Geauga county, for the repeal of the act for the relief of certain persons therein named; which was

Referred to a select committee of one, and Mr. Ford was appointed said committee.

Mr. Sill presented a petition from citizens of the counties of Summit and Stark, in relation to State roads from the Ohio canal to the Pennsylvania line; which was

Referred to the standing committee on Roads and Highways.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 23, reported the same back without amendment, and the bill was

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which had been recommitted Senate bill No. 24, reported the same back with one amendment; which was agreed to.

Mr. Taylor moved further to amend the bill by striking out the words, "other than licensed tavern keepers," in the fifth line, and on his motion, demanded the yeas and nays, which were ordered; and were, yeas 2, nays 32, as follows, to wit:

Yeas—Messrs. Latham and Taylor—2.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—32.

So the amendment was disagreed to, and the bill was

Ordered to be engrossed for its third reading on to-morrow.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred the petition of the school directors of school district No. 5, in Steubenville township, in the county of Jefferson, made the following report:

The committee on Schools and School Lands, to which was recommended the petition of the directors of school district No. 5, in Steubenville township, in Jefferson county, report:

It appears from the petition, that at the last annual election of school directors for said district, a resolution was passed by the electors, that application should be made, on behalf of that district, to the General Assembly for authority to the directors to limit the admission of pupils into the schools of that district to such as were of the age of five years and over.

There are two objections against granting the authority here asked for, and which, to the committee, appear insuperable. In the first place, it proposes to legislate for a single district, in a case provided for by the general law. The general law, applicable to all districts, fixes the age of admission. Now, ought the legislature to enter upon a course of legislation which will make a different law for every district? We think not. It needs only to state the case to demonstrate the impolicy of such a course. Besides being interminable, such a course must introduce utter confusion into our whole common school system.

Should the age of admission to our common schools be fixed at five, instead of four years; if so, we might proceed to meet the wishes of the petitioners by general legislation. This is a question of some nicety; one about which opinions may differ. Our law has fixed it at four years. We have heard no complaint against this provision, until the present application. Now, we are not disposed, upon slight grounds, to recommend a change in the law in this respect. Changes should seldom be

introduced into our common school system, and those in such cases only as experience proves to be clearly necessary. The committee do not discover any such evidence in this case. This is the age fixed for admission in other states, and common custom and common consent have decided that at that age children ought to enjoy the benefits of instruction, if it can be secured. Upon both grounds, the committee are decidedly of opinion that the prayer of the petitioners should not be granted.

The committee, therefore, ask that they be discharged from the further consideration of the same, and recommend that the petitioners have leave to withdraw their petitions.

On motion of Mr. Mitchell, the report was
Laid upon the table.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which had been recommitted Senate bill No. 25, reported the same back without amendment, and recommended its passage.

Mr. Bartley moved that the further consideration of the bill be indefinitely postponed.

Mr. Taylor spoke in favor of the motion to postpone, and, in the course of his remarks, was called to order by the Speaker for arraigning the conduct of the judges of the supreme court.

Mr. Taylor appealed from the decision of the Speaker, and demanded the yeas and nays on his appeal, which were ordered, and were, yeas 33, nays 1, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Waddle and Walton—33.

Nays—Mr. Taylor—1.

So the decision of the Speaker was sustained.

The question then recurred on the indefinite postponement of the bill; upon which motion, Mr. Taylor had demanded the yeas and nays, which were ordered, and were, yeas 20, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes and Waddle—15.

So the consideration of the bill was indefinitely postponed.

Mr. Root, from the standing committee on Public Institutions, to which had been referred House resolution relating to the admission of Hanson Young into the Ohio asylum for the blind, reported the same back with one amendment, which was agreed to, and the resolution, as amended, was adopted.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

H. No. 7; A bill to amend the act entitled "an act to authorize the establishment of poor houses;"

H. No. 13; A bill to incorporate Jefferson lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio;

H. No. 5; A bill to incorporate the First Freewill Baptist Society, of Brunswick, Medina county;

H. No. 1; A bill to incorporate the First Christian Church, of Paint creek, in Gasper township, Preble county;

H. No. 3; A bill to incorporate the First Presbyterian Society, of Newburg, in the county of Cuyahoga;

H. No. 4; A bill to incorporate the First Moral Library Association, of Williamsfield, in the county of Ashtabula;

H. No. 14; A bill to amend an act entitled "an act providing for the punishment of crimes," passed March 7, 1835;

S. No. 27; A bill to fix the times of holding the supreme court;

S. No. 28; A bill to revive the third section of the act entitled "an act to amend the act entitled 'an act to regulate the fees of officers in civil and criminal cases;'"

S. No. 29; A bill to establish the Lewistown feeder and reservoir, of the Miami canal.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following joint resolution, to which the signature of the Speaker of the Senate is requested:

A resolution in relation to instructing our Senators, and requesting our Representatives, to vote for the early passage of the law, fixing the apportionment of members of congress among the several states.

The following bills have been reported to the House, and read the first time, to wit:

H. No. 26; A bill concerning elections in the township of Cleveland;

H. No. 27; A bill to incorporate the trustees of the Central College of Ohio;

H. No. 28; A bill to vacate part of the town plat of Dinmansburg, in the county of Shelby.

Attest:

GID. M. AYRES, Clerk.

The joint resolution was signed by the Speaker of the Senate.

Ordered, That the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bill of the House has been read the third time and passed, to which the concurrence of the Senate is requested, to wit:

H. No. 17; An act to incorporate the First Regular Baptist Church, of Lowell, Washington county.

The following bills of the Senate have been read the third time, and passed, to wit:

S. No. 4; An act to incorporate the Methodist Protestant Church and Society, of the township of York, in the county of Medina;

S. No. 5; An act to incorporate St. John's First English Evangelical Church, of Zanesville, in the county of Muskingum;

S. No. 8; An act to incorporate the First Presbyterian and Congregational Church and Society, of Bazetta, in the county of Trumbull;

S. No. 6; An act to incorporate St. Peter's Church, of Norwalk, in Huron county.

The following resolution has been adopted in the House, to which the concurrence of the Senate is requested:

A resolution repudiating repudiation.

Attest:

Geo. M. Ayres, Clerk.

The bill of the House was read the first time.

Mr. Leonard moved to refer the resolution of the House in relation to repudiation, to the standing committee on the Public Debt.

Mr. Nash demanded the yeas and nays, which were ordered, and were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the motion to refer prevailed.

Mr. Leonard offered for adoption the following resolution; which was agreed to.

Resolved, That the Sergeant-at-arms be instructed to procure a dozen common chairs for the Senate Chamber.

Agreeably to previous notice, Mr. Nash introduced a bill (S. No. 30,) to amend the act entitled "an act defining the powers and duties of justices of the peace, and constables in criminal cases," passed March 27, 1837, and the act amendatory thereto; which was read the first time.

Agreeably to previous notice, Mr. Thomas introduced a bill (S. No. 31,) to repeal so much of each and every act of the General Assembly as empowers any incorporated city, town, village or borough, within this state, to license groceries or coffee houses, or in any manner to confer the power to retail spirituous or intoxicating drinks; which was read the first time.

Mr. Van Vorhes, on leave, presented a petition from Matthew Wolf, praying remuneration for damages sustained by reason of the construction of the Hocking canal; which was referred to the standing committee on Canals.

On motion of Mr. Nash, it was

Resolved, That the standing committee on Colleges and Universities be instructed to inquire into the expediency of passing a law, prohibi-

ting the sale of intoxicating liquors to the students of universities, colleges and academies, and declaring all contracts for any such sales void, as well as all other credits given by any person to any such students, except allowed by the officers of such universities, colleges or academies, or some other person deputed by the father or guardian of such student or students for that purpose.

On motion of Mr. Sill,

The Senate took up the resolution relating to the disposition of certain extra copies of Swan's collated statutes, which was, on motion, Referred to a select committee of one, and Mr. Sill appointed said committee.

On motion of Mr. Clark,

The Senate took up Senate bill No. 20, which was, on motion, Recommended to the standing committee on Schools and School Lands.

On motion of Mr. Leonard,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

WEDNESDAY, DECEMBER 22, 1841.

The Senate met pursuant to adjournment.

Mr. Aten presented the proceedings and resolutions of a public meeting of the citizens of Centre township, Columbiana county, remonstrating against the plan of dismembering the counties of Wayne, Stark and Columbiana, Portage and Trumbull, for the purpose of forming new counties, with various sites for seats of justice, which was, on motion,

Laid upon the table.

Mr. Aten, also, presented a remonstrance of citizens of Wayne township, Columbiana county, against the project for dismembering the counties of Wayne, Summit, Portage, Trumbull, Columbiana and Stark, for the purpose of forming a new county to be called Mahoning county; which was, on motion,

Laid upon the table.

Mr. Crowell presented a petition from citizens of Trumbull county, against the formation of a new county; which was, on motion,

Laid upon the table.

Mr. McConnell presented a petition from inhabitants of Washington county, praying for the punishment of trespassers on orchards, gardens, &c.; which was, on motion,

Referred to the standing committee on the Judiciary.

Mr. Crowell, also, presented a petition from citizens of Trumbull county, requesting the passage of a law to punish stealing fruit, and other offences; which was, on motion,

Referred to the standing committee on the Judiciary.

Mr. Crowell, also, presented a petition from citizens of Trumbull county, requesting the repeal of an act entitled "an act regulating black and mulatto persons," passed January 5, 1804; also, an act entitled "an act to amend the last mentioned act," passed January 25, 1807; also, an act entitled "an act relating to fugitives from service or labor from other states," passed February 26, 1839; and, also, so much of the laws of Ohio as prohibits black and mulatto persons from an equal share of the common school fund; which was, on motion,

Referred to the standing committee on the Judiciary.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

H. No. 17; A bill to incorporate the First Regular Baptist Church, of Lowell, Washington county;

S. No. 30; A bill to amend the act entitled "an act defining the powers and duties of justices of the peace, and constables in criminal cases," passed March 27, 1837, and the act amendatory thereto;

S. No. 31; A bill to repeal so much of each and every act of the General Assembly as empowers any incorporated city, town, village or borough, within this state, to license groceries or coffee houses, or in any manner to confer the power to retail spirituous or intoxicating drinks.

The following bills of the Senate were read the third time and passed, to wit:

S. No. 23; A bill to incorporate the First Regular Baptist Church and Society, of New Haven, in Huron county;

S. No. 24; A bill to amend the act entitled "an act to incorporate the town of Athens," passed January 24, 1829.

Ordered, That the titles be as aforesaid, and that the concurrence of the House be requested.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill No. 20, on leave, reported the same back with one amendment, and, on motion,

The bill and amendment were laid upon the table.

The Speaker presented a special report of the Board of Public Works, in relation to water power on the North Fork of Licking feeder; which,

On motion of Mr. Spangler,

Was laid upon the table.

(See Val. Pub. Doc., No. 22.)

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Robbins in the chair, on Senate bill No. 22, and after some time spent in the consideration thereof, the committee rose, and reported the same back with two amendments.

On motion of Mr. Walton,

The bill and pending amendments were recommitted to the standing committee on the Judiciary.

On motion of Mr. Stanton,

The Senate again resolved itself into committee of the whole, Mr. Root in the chair, on Senate bill No. 18, and after some time spent in the consideration thereof, the committee rose, and reported the same back with two amendments.

On motion of Mr. Godman,

The bill and pending amendments were recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate took up the unfinished business, and so much thereof as relates to the House bill to amend the act to provide for the sale of lands forfeited to the state for the nonpayment of taxes, passed March 14, 1831, was

Referred to the standing committee on Finance.

On motion of Mr. Hazeltine,

The Senate took up the following resolution:

Resolved. That the standing committee on the Judiciary be instructed to inquire into the propriety or expediency of amending the act for the "distribution and safe keeping of the laws and journals," so as to entitle the different constables of each township of this state, to one copy each of the collated laws of Ohio, and to one copy, annually hereafter, of the general laws, to be delivered by them to their successors in office.

The question recurring on its adoption, the resolution was rejected.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 18; An act to amend the act entitled "an act to create the office of township assessor," passed March 20, 1841.

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution instructing the Secretary of State, to address a circular to clerks of the courts of common pleas, requiring them to answer certain interrogatories therein propounded.

Attest:

GID. M. AYRES, *Clerk.*

The bill of the House was read the first time.

Mr. Taylor moved to amend the resolution of the House by adding "and, also, how many copies he has sent to each county of the state," and, on his motion, demanded the yeas and nays, which were ordered, and were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Ford, Goodin, Harris, Hazeltine, Hostetter, Latham, Mitchell, McConnell, Ream, Richey, Spangler, Taylor and Walton—17.

Nays—Messrs. Carpenter, Crowell, Dewey, Foos, Godman, Henderson, Holmes, Leopard, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes, Wade, Waddle and Speaker—18.

So the amendment was rejected.

Mr. Hazeltine moved to add the following additional resolution:

Resolved, That the clerk of each county, where a surplus shall be found to exist, is hereby authorized to sell such surplus copies at \$3.50 per copy, and pay the proceeds of such sale into the county treasury for the use of the state.

Mr. Taylor demanded the yeas and nays, and they were ordered, and were, yeas 9, nays 26, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Hazeltine, Hostetter, Latham, Mitchell, Spangler and Taylor—9.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Henderson, Holmes, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Van Vorhes, Wade, Waddle, Walton and Speaker—26.

So the motion was lost.

The question then recurring on the passage of the resolution,

Mr. Bartley demanded the yeas and nays, which were ordered, and were, yeas 26, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Root, Sill, Stanton, Van Vorhes, Waddle, Walton and Speaker—26.

Nays—Messrs. Bartley, Goodin, Hazeltine, Hostetter, Latham, Robbins, Spangler, Taylor and Wade—9.

So the resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution in relation to printing the report of the directors and superintendent of the Ohio lunatic asylum.

Attest:

GID. M. AYRES, *Clerk.*

The resolution of the House was adopted.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Sill in the chair, on Senate bill No. 29, fixing the times of holding the supreme court for the year 1842, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

Pending the consideration of the bill,

On motion of Mr. Hostetter,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, DECEMBER 23, 1841.

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Painesville, in the county of Lake, praying for the passage of resolutions in favor of the power of congress to abolish slavery in the District of Columbia, and in the several territories of the United States; and, also, in relation to the slave trade; which was

Referred to the standing committee on the Judiciary.

Also, a petition from citizens of the same place, for the repeal of the law relating to fugitives from labor or service of other states; which was

Referred to the same committee.

Also, a petition from citizens of the same place, for the repeal of all laws making a distinction on account of color; which was,

Referred to the same committee.

Also, a petition from citizens of the same place, for the passage of a law securing to every human being a trial by jury in cases wherein liberty is concerned; which was

Referred to the same committee.

Mr. Holmes presented a petition from citizens of the county of Hamilton, in relation to banks and bankers; which was

Referred to the standing committee on the Judiciary.

Mr. Clark presented three petitions from citizens of the counties of Logan, Hardin, Allen, Putnam and Van Wert, for a law establishing a free Turnpike road from Bellefontaine to the Indiana state line; which was

Referred to the select committee, heretofore appointed, on that subject.

Mr. Stanton presented a petition from citizens of the county of Logan, remonstrating against an alteration of the county line between the counties of Logan and Shelby; which was

Referred to the standing committee on New Counties.

Mr. Stanton, also, presented a petition from certain citizens of Ohio, for the appointment of, Kemp G. Carter as one of the commissioners to lay out and establish the contemplated free Turnpike road from Bellefontaine to the Indiana state line; which was

Referred to the select committee heretofore appointed on the subject of said Turnpike road.

Mr. Bartley presented a memorial from William McNaul and others, on the subject of extending the Walhonding and Mohican canal up the valley of the Black Fork; which was laid on the table.

Mr. Barnett, from the select committee on that subject, reported a bill (S. No. 32,) to amend the act entitled an act to incorporate the Dayton and Covington Turnpike Road Company; which was read the first time.

Mr. Ford, from the select committee on that subject, reported a bill (S. No. 33,) to repeal a part of the act entitled "an act for the relief of Stephen D. Cutler and others," passed March 25, 1841; which was read the first time.

Mr. Van Vorhes, from the select committee on that subject, reported a bill (S. No. 34,) to amend the act entitled "an act to authorize Peter Bebee and his associates, to erect a toll bridge over Federal creek, in the county of Athens;" which was read the first time.

The following bill of the House was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

H. No. 18; A bill to amend the act entitled "an act to create the office of township assessor," passed March 20, 1841.

Mr. Carpenter, agreeably to previous notice, introduced a bill (S. No. 35,) to amend an act entitled "an act to establish a fund for the support of common schools;" and, also, to amend an act entitled "an act for the support and better regulation of common schools, and to create, permanently, the office of Superintendent," and an act amendatory thereto; which was read the first time.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Stanton in the chair, on Senate bill No. 26, to incorporate the Philomathean Literary Society of the Monroe Academy; and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion,

The bill was recommitted to the standing committee on Corporations, with instructions to report a bill in conformity with other bills incorporating Literary Societies.

On motion of Mr. Stanton,

The Senate took up Senate bill No. 27, fixing the times of holding the supreme court, for the year 1842.

Mr. Bartley moved to recommit the bill to a select committee of three; on which motion, the yeas and nays being demanded, were ordered, and resulted as follows—yeas 17, nays 17, to wit:

Yeas—Messrs. Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Ford, Foss, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the motion was lost.

Mr. Taylor then moved to recommit the bill to a select committee of fifteen, and on his motion demanded the yeas and nays, which being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—16.

6—S. J.

Nays—Messrs. Aten, Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—19.

So the motion was lost.

Mr. Bartley moved to recommit the bill to a select committee of five, with instructions to call upon the Judges of the Supreme Court and request them to divide the state into two circuits preparatory to fixing the times of holding courts.

Mr. Root called for a division of the question, and it turning on recommitting the bill to a select committee of five,

Mr. Hazeltine demanded the yeas and nays, which were ordered, and were, yeas 15, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor and Walton—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—19.

So the motion to recommit was lost.

The question then turning on ordering the bill to be engrossed for its third reading,

Mr. Bartley demanded the yeas and nays, which were ordered, and were, yeas 24, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Hazeltine, Hostetter, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—24.

Nays—Messrs. Bartley, Goodin, Harris, Holmes, Latham, Mitchell, Ream, Spangler, Taylor and Walton—10.

So the bill was ordered to be engrossed for its third reading on tomorrow.

Agreeably to previous notice, Mr. Crowell introduced a bill (S. No. 36,) to amend the act to abolish imprisonment for debt, and the act amendatory thereto; which was read the first time.

On motion of Mr. Spangler,

The Senate resolved itself into a committee of the whole Senate, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bills, to wit:

H. No. 7; A bill to amend the act entitled "an act to authorize the establishment of poor houses," with one amendment.

H. No. 13; A bill to incorporate Jefferson Lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio, without amendment.

H. No. 5; A bill to incorporate the First Moral Literary Association, of Williamsfield, in the county of Ashtabula, without amendment.

Pending the consideration of House bill No. 7,

Mr. Root moved that the Senate adjourn till Monday morning, at 10 o'clock; on which motion,

Mr. Taylor demanded the yeas and nays, which were ordered, and were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Harris, Henderson, Holmes, McConnell, Nash, Ritchey, Root, Sill, Thomas and Wade—10.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Perkins, Ream, Robbins, Spangler, Stanton, Taylor, Van Vorhes, Walton and Speaker—24.

Mr. Harris moved that the Senate adjourn till to-morrow; on which motion,

Mr. Hazeltine demanded the yeas and nays, which were ordered, and were, yeas 22, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes and Wade—22.

Nays—Messrs. Bartley, Clark, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Spangler, Taylor, Walton and Speaker—12.

So the Senate adjourned over until to-morrow morning, at ten o'clock.

Attest:

THOMAS J. MORGAN, *Clerk.*

FRIDAY, DECEMBER 24, 1841.

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of the county of Ash-tabula, praying for the passage of a law making towns and cities liable for damages done by mobs; which was

Referred to the standing committee on the Judiciary.

Also, a petition from citizens of the same county, for the repeal of the law entitled "an act relating to fugitives from labor or service of other states;" which was

Referred to the same committee.

Also, a petition from citizens of the same county, praying for the passage of a law securing to every human being, within the state, the right of trial by jury, in every case where his or her liberty is in question; which was

Referred to the same committee.

Also, a petition from citizens of the same county, for the repeal of "the law prohibiting blacks and mulattoes from bearing testimony in cases where one of the parties to a suit is a white person;" which was

Referred to the same committee.

Also, a petition from citizens of the same county, praying for such a modification of the school laws of Ohio, "in relation to blacks and mulattoes, as to secure to them a fair proportion of the revenue arising from donations made to Ohio by the United States, for the support of schools and colleges;" which was

Referred to the standing committee on Schools and School Lands.

Mr. McConnell presented a petition from Ephraim Cutler, of the county of Washington, praying for compensation for services rendered as a school commissioner in 1822 and 1823; which was

Referred to the committee on Claims.

Mr. Spangler, from the standing committee on Finance, to which had been referred so much of the unfinished business of the last session as relates to that subject, reported a bill (S. No. 37,) to amend the "act to provide for the sale of lands forfeited to the state for the non-payment of taxes," passed March 14, 1831; which was read the first time.

Mr. Clark, from the standing committee on Medical Colleges and Universities, to which had been referred the bill (S. No. 3,) to incorporate the Eaton Medical Society, reported back the same with sundry amendments, and the bill was

Ordered to be engrossed for its third reading on Monday next.

Mr. Stanton, from the select committee, to which was recommended Senate bill No. 11, reported the same back with amendments.

On motion,

The report was laid upon the table.

Mr. Sill, from the select committee, to which had been referred House resolution relating to certain surplus copies of Swan's collated statutes, reported the same back with one amendment, and the resolution, as amended, was agreed to.

The following bills of the Senate were read the second time, committed to a committee of the whole Senate, and made the order of the day for Monday next, to wit:

S. No. 32; A bill to amend the act entitled "an act to incorporate the Dayton and Covington Turnpike Road Company;"

S. No. 33; A bill to repeal a part of the act entitled "an act for the relief of Stephen D. Cutler and others," passed March 25, 1841;

S. No. 34; A bill to amend the act entitled "an act to authorize Peter Bebee and his associates, to erect a toll bridge over Federal creek, in the county of Athens;"

S. No. 35; A bill to amend an act entitled "an act to establish a fund for the support of common schools;" and, also, to amend an act entitled "an act for the support and better regulation of common schools, and to create, permanently, the office of Superintendent," and an act amendatory thereto.

Mr. Taylor moved that the Senate adjourn until Monday next, at ten o'clock; on which motion,

Mr. Perkins demanded the yeas and nays, which being ordered, were, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Crowell, Ford, Harris, Ha-

zeltine, Henderson, Holmes, Root, Sill, Spangler, Taylor, Wade and Waddle—15.

Nays—Messrs. Aten, Carpenter, Dewey, Godman, Goodin, Hostetter, Latham, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Stanton, Van Vorhes, Walton and Speaker—18.

So the motion to adjourn was lost.

The following bill of the Senate was read the third time, to wit:

S. No. 27; A bill fixing the times of holding the supreme court for the year 1842.

Pending the consideration of the bill,

Mr. Root moved that the Senate adjourn over until Monday morning at ten o'clock; on which motion,

Mr. Taylor demanded the yeas and nays, and being ordered, were, yeas 22, nays 12, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Godman, Harris, Henderson, Holmes, Hostetter, Latham, Mitchell, Ream, Root, Sill, Spangler, Taylor, Thomas, Waddle and Walton—22.

Nays—Messrs. Aten, Goodin, Hazeltine, McConnell, Nash, Perkins, Ritchey, Robbins, Stanton, Van Vorhes, Wade and Speaker—12.

So the Senate adjourned until Monday morning at ten o'clock.

Attest:

THOMAS I. MORGAN, *Clerk*.

MONDAY, DECEMBER, 27, 1841.

The Senate met pursuant to adjournment.

Mr. Wade presented the following petitions; which were

Referred to the standing committee on the Judiciary, to wit:

A petition from citizens of Morgan, in the county of Ashtabula, praying for the enactment of a law making towns and cities liable for damages done by mobs;

Also, a petition from citizens of the same place, for the repeal of the law "prohibiting blacks and mulattoes from bearing testimony in cases where one of the parties to a suit is a white person;"

Also, a petition from citizens of the same place, for a modification of the school laws of this state, in relation to blacks and mulattoes, so as to secure to them a fair proportion of the revenue arising from donations made to Ohio by the United States, for the support of schools and colleges;

Also, a petition from citizens of the same place, addressed to the Congress of the United States, praying that proper steps may be taken for the repeal of all laws, and the alteration of all constitutional provisions, by which the people of the free states, the Federal govern-

ment, or the nation, are in any way implicated in countenancing, protecting, or aiding the institution of slavery.

Mr. Hostetter presented several petitions from citizens of Franklin township, in the county of Summit, praying that the townships of Green and Franklin may be re-attached to the county of Stark, from which they were taken; which was

Referred to the standing committee on New Counties.

Mr. Stanton presented a petition from citizens of the counties of Logan, Hardin and Allen, remonstrating against the establishment of a free turnpike road from Bellefontaine to the Indiana state line; which was

Laid on the table.

Mr. Dewey presented a petition from the trustees of section 16, in Goshen township, in the county of Belmont, remonstrating against the sale of any more of said section; which was

Referred to the standing committee on Schools and School Lands.

Mr. Holmes presented a petition from citizens of the county of Hamilton, praying for the passage of a law declaratory of an act passed in 1824, relative to banks and bankers; which was

Referred to the standing committee on the Judiciary.

Mr. Crowell presented a statement of the condition of the Western Reserve Bank, December 6, 1841; which was

Laid on the table.

(See Vol. Pub. Doc., No. 15.)

Mr. Nash, from the standing committee on Schools and School Lands, to which had been referred a petition from citizens of the county of Ashtabula, in relation to a modification of the school laws, so as to allow blacks and mulattoes to participate in the revenue for the support of schools, reported the same back, and recommended that it be referred to the standing committee on the Judiciary; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, reported back the bill (S. No. 26,) to incorporate the Philomathean Literary Society of the Monroe Academy, with sundry amendments; which were agreed to, and the bill

Ordered to be engrossed for its third reading to-morrow.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 37; A bill to amend the act to provide for the sale of lands forfeited to the state for the nonpayment of taxes, passed March 14, 1831.

The following bill of the Senate was read the third time, and passed, to wit:

S. No. 3; A bill to incorporate the Eaton Medical Society.

Message from the House of Representatives.

Mr. Speaker:

The following bills have passed the House, to which the concurrence of the Senate is requested:

H. No. 6; An act to authorize the sale of school section sixteen, in Madison township, in the county of Sandusky;

H. No. 2; An act to authorize the sale of school section number sixteen, in Green Creek township, in the county of Sandusky;

H. No. 16; An act to authorize the sale of school section number sixteen, in Harris township, in the county of Ottawa;

H. No. 20; An act to amend an act entitled "an act to incorporate the town of New Lisbon, in the county of Columbiana;

H. No. 22; An act to incorporate the Perry Engine Company, No. 1, of Massillon, Stark county, Ohio.

The following bills of the Senate have been read the third time and passed:

S. No. 12; An act to amend the act entitled "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826;

S. No. 13; An act to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced and read the first time, to wit:

A bill (No. 42,) to incorporate the First Congregation of Disciples, in Norton, Summit county;

A bill (No. 43,) to change the names of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Julianna Crow, Joseph L. Crow, John P. Crow, Rufus M. Crow, and Josiah B. Crow;

A bill (No. 44,) to confirm and establish the seat of justice for Williams county;

A bill (No. 45,) to incorporate the Evangelical Christian Church, of Antrim, in Brown county;

A bill (No. 46,) to incorporate the Mechanics' Institute of Urbana.

A bill (No. 47,) to authorize and regulate proceedings in chancery against absconding and other debtors.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The following bill has been read the third time, and passed the House, to which the concurrence of the Senate is requested:

H. No. 30; An act making temporary appropriations for certain purposes.

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 38; A bill to re-attach the township of Kelley's Island to Erie county;

H. No. 39; A bill to provide for the valuation and sale of the canal lands belonging to the state of Ohio, and, also, to amend the laws now in force in relation thereto;

H. No. 40; A bill to repeal the act to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the Diocese of Ohio;

H. No. 41; A bill to amend the act entitled "an act to incorporate the Ohio Manufacturing Company," passed March 16, 1838.

Attest:

GID. M. AYRES, Clerk.

The bill of the House was read the first time.

Mr. Godman, agreeably to previous notice, introduced a bill (S. No. 38,) to authorize the sale of certain school lands in Washington township, Marion county; which was read the first time.

Mr. Walton offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That six thousand copies of the annual report of the Auditor of State, relative to the liabilities of the state of Ohio, be printed for the use of the members of this General Assembly.

Mr. Nash moved to strike out "six" and insert "three;" upon which motion,

Mr. Stanton demanded the yeas and nays, which were ordered, and were, yeas 14, nays 15, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—14.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Robbins, Spangler, Taylor, Walton and Speaker—15.

So the motion was lost.

The resolution was then agreed to.

The Speaker presented the annual report of the warden and directors of the Ohio Penitentiary; which was laid on the table.

(See Vol. Pub. Doc., No. 28.)

Mr. Taylor offered a resolution instructing the committee on the Judiciary to inquire into the expediency of establishing a court of Errors, and of repealing the law establishing the court in bank; which,

On motion of Mr. Crowell,

Was laid on the table.

On motion of Mr. Walton,

The Senate resolved itself into a committee of the whole, Mr. Godman in the chair, on the orders of the day, and after the consideration

thereof, the committee rose, and reported back the following bills, to wit:

H. No. 1; A bill to incorporate the First Christian Church, of Paint Creek, in Gasper township, Preble county, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 3; A bill to incorporate the First Presbyterian Society, of Newburgh, in the county of Cuyahoga, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 4; A bill to incorporate the First Moral Library Association, of Williamsfield, in the county of Ashtabula, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 14; A bill to amend an act entitled "an act providing for the punishment of crimes," passed March 7, 1835, without amendment.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Van Vorhes in the chair, on House bill No. 17, to incorporate the First Regular Baptist Church, of Lowell, Washington county, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

The bill was recommitted to the standing committee on Corporations.

On motion of Mr. Perkins,

The Senate again resolved itself into a committee of the whole, Mr. Walton in the chair, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bills, to wit:

H. No. 18; A bill to amend the act entitled "an act to create the office of Township Assessor," passed March 20, 1841, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 30; A bill to amend the act entitled "an act defining the powers and duties of justices of the peace and constables, in criminal cases," passed March 27, 1837, and the act amendatory thereto, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 28; A bill to revive the third section of the act entitled an act to amend the act entitled "an act to regulate the fees of officers in civil and criminal cases," without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 29; A bill to establish the Lewistown feeder and reservoir of the Miami canal, without amendment.

Recommitted to the standing committee on Canals.

On motion of Mr. Taylor,

The Senate resolved itself into a committee of the whole Senate, Mr. Aten in the chair, on the orders of the day, and after the consideration thereof, reported back the following bills, to wit:

S. No. 33; A bill to repeal a part of the act entitled "an act for the relief of Stephen D. Cutler and others," passed March 25, 1841, with-

out amendment, and the bill was then ordered to be engrossed for its third reading on to-morrow.

S. No. 34; A bill to amend the act entitled "an act to authorize Peter Bebee and his associates, to erect a toll bridge over Federal creek, in the county of Athens," with amendment.

The bill was recommitted to the standing committee on Corporations.

On motion of Mr. Clark,

The bill (S. No. 20,) to authorize the sale of school section number 16, in Chesterfield township, in the county of Lucas, was taken up, and Referred to the standing committee on Schools and School Lands.

Mr. Bartley, from the standing committee on the Judiciary, to which had been referred certain petitions on that subject, on leave, reported a bill (S. No. 39,) to define the meaning and intention of the 9th section of the act entitled an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit the issuing of bills of a certain description, passed January 28, 1824; which was read the first time.

Mr. Bartley, from the same committee, to which had been referred the bill (S. No. 18,) securing the benefits of the writ of *habeas corpus*, and repealing all laws heretofore passed on that subject, on leave, reported the same back with the amendments adopted in committee of the whole Senate, and recommended its passage.

The amendments were agreed to, and

On motion of Mr. Bartley;

The bill was laid on the table.

On motion of Mr. Goodin,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

TUESDAY, DECEMBER 28, 1841.

The Senate met pursuant to adjournment.

Mr. Ream presented a petition from the members of the Baptist Church in Canal Dover, praying for an amendment in their charter, passed February 18, 1841; which was

Referred to a select committee of one, and Mr. Ream appointed that committee.

Mr. Dewey presented the memorial of 134 citizens of the county of Harrison, asking for a law making towns and cities liable for damages done by mobs; for the repeal of the law relating to fugitives from labor or service of other states, and for other purposes; which was

Referred to the standing committee on the Judiciary.

Mr. Dewey, also, presented the memorial of 40 citizens of the coun-

ty of Harrison, asking for a law to give a trial by jury to every person whose liberty is at stake; which was

Referred to the standing committee on the Judiciary.

Mr. Stanton presented a petition from citizens of the counties of Logan, Hardin, Shelby and Allen, in relation to the Lewistown feeder and reservoir of the Miami canal; which was

Referred to the standing committee on Canals.

Mr. Harris presented a petition from citizens of Waynesburg, in the county of Wayne, praying for the passage of a law to change the name of said town; which was

Referred to a select committee of one, and Mr. Harris appointed that committee.

Mr. Holmes, from the standing committee on Corporations, to which had been referred the bill (H. No. 3,) to incorporate the First Presbyterian Society, of Newburg, in the county of Cuyahoga, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which had been referred the bill (H. No. 4,) to incorporate the First Moral Library Association, of Williamsfield, in the county of Ashtabula, reported back the same without amendment, and it was

Ordered to its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which had been recommitted the bill (S. No. 28,) to revive the third section of the act entitled an act to amend the act entitled "an act to regulate the fees of officers in civil and criminal cases," reported back the same without amendment, and it was

Ordered to be engrossed for its third reading to-morrow.

Mr. Bartley, from the same committee, to which had been referred the bill (H. No. 18,) to amend the act entitled "an act to create the office of Township Assessor," passed March 20, 1841, reported back the same, and asked to be discharged from its further consideration, and recommended that the bill be referred to the standing committee on Finance. The request of the committee was granted, and the bill referred accordingly.

Mr. Holmes, from the standing committee on Corporations, to which had been referred the bill (H. No. 17,) to incorporate the First Regular Baptist Church, of Lowell, Washington county, reported back the same with amendments, which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which had been referred the bill (H. No. 1,) to incorporate the First Christian Church, of Paint Creek, in Gasper township, Preble county, reported back the same without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, reported a bill (S. 40,) to amend the act entitled "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

H. No. 2; A bill to authorize the sale of school section number 16, in Green creek township, in the county of Sandusky;

H. No. 6; A bill to authorize the sale of school section number 16, in Madison township, in the county of Sandusky;

H. No. 16; A bill to authorize the sale of school section number 16, in Harris township, in the county of Ottawa;

H. No. 20; A bill to amend an act entitled "an act to incorporate the town of New Lisbon, in the county of Columbiana;

H. No. 22; A bill to incorporate Perry Engine Company, No. 1, of Massillon;

S. No. 38; A bill to authorize the sale of certain school lands, in Washington township, Marion county;

H. No. 30; A bill making temporary appropriations for certain purposes;

S. No. 39; A bill to define the meaning and intention of the 9th section of the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing of bills of certain descriptions," passed January 28, 1824.

The following bills of the Senate were read the third time and passed, to wit:

S. No. 26; A bill to incorporate the Philomathean Literary Society of the Monroe Academy;

S. No. 33; A bill to repeal a part of the act entitled "an act for the relief of Stephen D. Cutler and others," passed March 25, 1841.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 28; An act to vacate part of the town of Dinmansburg, in the county of Shelby;

H. No. 23; An act to incorporate the First Baptist Church, of Amherst, in Lorain county, Ohio;

H. No. 33; An act to incorporate the Cincinnati Catholic Society for mutual relief.

Attest:

Geo. M. Ayres, Clerk.

The bills of the House were read the first time.

On motion of Mr. Perkins,

The Senate resolved itself into a committee of the whole, Mr. Bartley in the chair, on (S. No. 36,) the bill to amend the act to abolish imprisonment for debt, and the act amendatory thereto, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Crowell,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Mitchell,

The Senate took up H. bill No. 13, to incorporate Jefferson Lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio; which was, on motion,

Recommitted to the standing committee on Corporations.

On motion of Mr. Henderson,

The Senate again resolved itself into committee of the whole, Mr. Barnett in the chair, on (H. No. 2,) the bill to authorize the sale of school section number sixteen, in Green Creek township, in the county of Sandusky, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole, Mr. Carpenter in the chair, on H. bill No. 30, making temporary appropriations for the year 1842, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment,

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on Finance.

Mr. Bartley offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That the standing committee on the Judiciary, on the part of the Senate, and the standing committee on the Judiciary, on the part of the House of Representatives, be instructed, jointly, to confer with the judges of the supreme court, on the subject of dividing the state into two circuits for the transaction of the business of the supreme court on the circuit, according to the provisions of the 2nd section of the 3rd article of the Constitution of this state; or, in case the committees should determine it to be impracticable to divide the state into two circuits, that the committees be further instructed to devise some other more suitable mode to enable the supreme court to do the business of that court on the circuit.

Mr. Bartley demanded the yeas and nays, which were ordered, and were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—15.

So the resolution was adopted.

Mr. Spangler, from the standing committee on Finance, to which was recommitted House bill No. 30, making temporary appropriations

for certain purposes, reported the same back, and recommended its passage.

The bill was then ordered to its third reading, and passed.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Crowell in the chair, on House bill No. 6, to authorize the sale of school section number sixteen, in Madison township, in the county of Sandusky; and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on Schools and School Lands.

On motion of Mr. McConnell,

The Senate took up the special report of the Board of Public Works, in relation to the North Fork of Licking Feeder; which, on motion, was

Referred to the standing committee on Canals.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Dewey in the chair, on House bill No. 16, to authorize the sale of school section number sixteen, in Harris township, in the county of Ottawa; and after sometime spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 16, to prevent usury, and regulate the rate of interest.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Ford in the chair, on the orders of the day; and after some time spent in the consideration thereof, reported back the following bills, to wit:

H. No. 20; A bill to amend an act entitled, "an act to incorporate the the town of New Lisbon, in the county of Columbiana," without amendment.

Recommitted to the standing committee on Corporations.

H. No. 22; A bill to incorporate Engine Company No. 1, of Massillon, Stark county, Ohio; without amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Stanton,

The Senate took up Senate bill No. 11, to establish a free turnpike road, from Bellefontaine, in Logan county, to the Indiana State line; the amendments were agreed to, and

The bill was recommitted to the standing committee on Roads and Highways, with instructions so to amend said bill by providing, that

for all damages done in the construction of said road, the compensation shall be according to the provisions of the general law defining the mode of laying out and establishing State roads, and changing their direction in certain cases.

Mr. Bartley offered for adoption the following resolution, which was agreed to:

Resolved, That the Board of Public Works be requested to communicate to the Senate, answers to the following inquiries, at as early a day as practicable:

1. To what extent has the extension of the Miami canal been put under contract.

2. How much of said work has been put under contract within the last two years, and to whom were the contracts given.

3. How many engineers, agents or assistants are now, or have been, in the employ of the State on said work, within the last year; and what compensation is now, or has been, allowed to such engineers, agents or assistants.

4. Is the acting commissioner on said work interested, either by contract or otherwise, legally or equitably, in any lands, town lots or water privileges, for hydraulic purposes, on or adjacent to the route of said canal, or the feeders thereof; and, if so, when he became so interested, and to what amount.

5. Has the acting commissioner on said work been engaged in any other business or employment, except the duties imposed upon him as a member of said board, within the last year; and what portion of his time, within the last year, has been industriously devoted to his official duties?

6. What amount of money has said acting commissioner disbursed within the last year on said work?

7. Whether the acting engineer, Mr. Barney, is acting under the instruction of the Board of Public Works, in issuing certificates for labor done, which are designed and calculated to circulate as money?

On motion of Mr. Holmes,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

WEDNESDAY, DECEMBER 29, 1841.

The Senate met pursuant to adjournment.

Mr. Wade presented a memorial praying for the passage of a law fixing permanently the times of holding the courts of common pleas in the 3d judicial circuit; which was

Referred to the committee heretofore appointed on the same subject.

Mr. Taylor presented certain papers, connected with the memorial of Buckingham and Van Buskirks, in reference to the Feeder of the North Fork of Licking River; which was

Referred to the standing committee on Canals.

Mr. Goodin presented a petition from citizens of Clay township, in the county of Ottawa, praying to be reattached to the county of Sandusky; which was

Referred to the standing committee on New Counties.

Mr. Holmes, from the standing committee on Corporations, reported back the bill (H. No. 13,) to incorporate Jefferson Lodge No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio, with one amendment; which was agreed to.

The question being on ordering the bill to its third reading,

Mr. Ford demanded the yeas and nays, which were ordered, and were, yeas 17, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Godman, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Van Vorhes, Waddle, Walton and Speaker—17.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Dewey, Ford, Goodin, Perkins, Robbins, Root, Stanton, Taylor and Wade—13.

So the bill was ordered to its third reading to-morrow.

Mr. Holmes, from the same committee, reported back the bill (H. No. 22,) to incorporate Perry Engine Company No. 1, of Massillon, Stark county, Ohio, with one amendment, which was agreed to, and the bill

Ordered to its third reading to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted Senate bill No. 11, to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana State line, reported the same back with amendments; and the amendments were agreed to, and the bill

Ordered to be engrossed for its third reading to-morrow.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred the bill (S. No. 20,) to authorize the sale of school section number sixteen, in Chesterfield township, in the county of Lucas, and the amendment thereto, reported back the same with amendments; which were agreed to, and,

On motion of Mr. Root,

The further consideration of the bill was postponed until Tuesday next.

Mr. Harris, from the select committee on that subject, reported a bill (S. No. 41,) to change the name of the town of Waynesburg, in the county of Wayne; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 40; A bill to amend the act entitled, "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831;

H. No. 26; A bill to vacate part of the town of Dinmansburg, in the county of Shelby;

H. No. 29; A bill to incorporate the First Baptist Church of Amherst, in Lorain county, Ohio;

H. No. 33; A bill to incorporate the Cincinnati Catholic Society for Mutual Relief.

The following bills were read the third time and passed, to wit:

H. No. 1; An act to incorporate the First Christian Church of Paint Creek, in Gasper township, Preble county;

H. No. 3; An act to incorporate the First Presbyterian Society of Newburg, in the county of Cuyahoga;

S. No. 28; An act to revive the third section of the act entitled, "an act to amend the act entitled, 'an act to regulate the fees of officers in civil and criminal cases;'"

H. No. 4; An act to incorporate the First Moral Library Association of Williamsfield, in the county of Ashtabula;

H. No. 17; An act to incorporate the First Regular Baptist Church of Lowell, Washington county.

Ordered, That the titles be as aforesaid, and that the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time, to wit:

H. No. 50; A bill to lay out and establish a graded State road in the counties of Harrison and Guernsey;

H. No. 51; A bill to authorize the sale of the residue of school section sixteen in Richland township, in the county of Jackson;

H. No. 52; A bill to incorporate the town of West Rushville, in the county of Fairfield.

Attest:

GID. M. AYERS, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to which it asks the concurrence of the Senate:

A resolution in relation to printing the auditor's report of the liabilities of the State, and loans made by the fund commissioners, of the Franklin Bank of Columbus, the Chillicothe Bank, and New York city Banks.

Attest:

GID. M. AYERS, *Clerk.*

The resolution of the House was laid upon the table.

On motion of Mr. Taylor,

The following resolution was taken up:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of establishing a new court, to be called the Court of Errors, with powers to try such questions of law only, as

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shall be brought before it from the supreme court and the courts of common pleas; and, also, to inquire into the expediency of allowing writs of error directly from the courts of common pleas, repealing the law establishing the court in bank, and confining the duties of the supreme court to the trial of appeal causes, only, from the courts of common pleas.

Mr. Taylor demanded the yeas and nays on the passage of the resolution, which were ordered, and were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Dewey, Goodin, Hazeltine, Holmes, Latham, Leonard, Mitchell, Ream, Taylor and Speaker—12.

Nays—Messrs. Aten, Barnett, Crowell, Ford, Godman, Harris, Henderson, Hostetter, McConnell, Nash, Perkins, Richey, Robbins, Root, Sill, Spangler, Stanton, Van Vorhes, Wade, Waddle and Walton—21.

So the resolution was rejected.

Mr. Clark gave notice, that to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Toledo Commercial Company at Toledo, in the county of Lucas.

Mr. Goodin asked for a call of the Senate, which was made, and there being a quorum present,

Mr. Hazeltine moved that further proceedings under the call be dispensed with, upon which motion

Mr. Taylor demanded the yeas and nays, which were ordered, and were, yeas 20, nays 4, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Crowell, Ford, Godman, Harris, Hazeltine, Henderson, Latham, McConnell, Nash, Robbins, Sill, Spangler, Van Vorhes, Wade, Waddle, Walton and Speaker—20.

Nays—Messrs. Goodin, Mitchell, Ream and Taylor—4.

So further proceedings under the call were dispensed with.

The Speaker presented a communication from his Excellency the Governor, transmitting a resolution of the legislature of Indiana, relating to an early resumption of specie payments by the banks of Indiana, Ohio, Kentucky and Illinois; and, also, a copy of a resolution of the legislature of Vermont, relating to the election of President of the United States.

On motion of Mr. Spangler,

The communication and accompanying papers were laid on the table and ordered to be printed.

On motion of Mr. Henderson,

The Senate resolved itself into committee of the whole, Mr. Godman in the chair, on the orders of the day; and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, to wit:

H. No. 23; A bill to incorporate the First Baptist Church of Amherst, in Lorain county, Ohio, without amendment;

Recommitted to the standing committee on Corporations.

H. No. 28; A bill to vacate part of the town of Dinmansburg, in the county of Shelby, without amendment;

Recommitted to the standing committee on Corporations.

H. No. 33; A bill to incorporate the Cincinnati Catholic Society for Mutual Relief, without amendment;

Recommitted to the standing committee on corporations.

S. No. 38; A bill to authorize the sale of certain school lands in Washington township, Marion county, without amendment;

Recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Hazeltine,

The Senate took up the annual report of the Auditor of State.

On motion of Mr. Hazeltine,

The report was laid upon the table.

Mr. Ford moved that the Senate adjourn, on which motion,

Mr. Taylor demanded the yeas and nays, which being ordered, were yeas 23, nays 7, to wit:

Yeas—Messrs. Carpenter, Clark, Crowell, Dewey, Ford, Godman, Harris, Hazeltine, Henderson, Hostetter, Latham, McConnell, Nash, Ream, Ritchey, Robbins, Sill, Spangler, Stanton, Van Vorhes, Wade, Waddle and Speaker—23.

Nays—Messrs. Aten, Barnett, Goodin, Mitchell, Perkins, Taylor and Walton—7.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, December 30, 1841.

The Senate met pursuant to adjournment.

Mr. Crowell presented a petition from citizens of Trumbull county, praying for the passage of a law to prevent thefts on orchards, &c.; which was

Referred to the standing committee on the Judiciary.

Mr. Latham presented a petition from 66 citizens of the city of Chillicothe, praying for a change in the termination of the Ohio canal, so that said canal be made to enter the town of Portsmouth on the east side of the Scioto river; which was

Referred to the standing committee on Canals.

Mr. Bartley presented a petition from John Brigle and Joseph Williams, for a law to enable them to surrender certain leases; which was

Referred to a select committee of one, and Mr. Bartley appointed that committee.

Mr. Aten presented a remonstrance from citizens of the county of Columbiana, against any and every dismemberment and division of said county; which was laid on the table.

Mr. Latham, from the standing committee on the Public Debt, to which was referred the resolution of the House of Representatives, in relation to the repudiation of the state debt, reported back the same with amendments.

Mr. Root moved to lay the resolution and amendments on the table; upon which motion,

Mr. McConnell demanded the yeas and nays, which were ordered, and were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Crowell, Dewey, Ford, Henderson, Hostetter, Leonard, Nash, Perkins, Root, Stanton, Taylor, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Bartley, Goodin, Harris, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Walten and Speaker—14.

So the motion prevailed.

Mr. Taylor, from the standing committee on the Currency, reported a bill (S. No. 42,) to enforce the resumption and continuance of specie payments by the banks within the state of Ohio; which was read the first time.

Mr. Spangler, from the standing committee on Finance, to which was recommitted House bill No. 18, to amend the act entitled "an act to create the office of Township Assessor," passed March 20, 1841, reported the same back without amendment, and recommended its passage.

The bill was

Ordered to its third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No. 23, to incorporate the First Baptist Church, of Amherst, in Lorain county, Ohio, reported the same back without amendment, and recommended its passage.

The bill was

Ordered to its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 16, reported the same back with sundry amendments.

On motion of Mr. Bartley,

The bill and amendments were laid upon the table, and the amendments ordered to be printed.

Mr. Ream, from the select committee on that subject, reported a bill (S. No. 43,) to amend an act entitled "an act to incorporate the Baptist Church of Dover, Tuscarawas county," passed February 18, 1841; which was read the first time.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 41; A bill to change the name of the town of Waynesburgh, in the county of Wayne.

The following bills were read the third time and passed, to wit:

S. No. 11; An act to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line;

H. No. 22; An act to incorporate Perry Engine Company, No. 1, of Massillon, Stark county, Ohio;

H. No. 13; An act to incorporate Jefferson Lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio.

On the passage of the bill of the House, No. 13,

Mr. Crowell demanded the yeas and nays, which were ordered, and were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Waddle, Walton and Speaker—17.

Nays—Messrs. Aten, Bartley, Crowell, Dewey, Ford, Goodin, Nash, Perkins, Robbins, Root, Stanton, Taylor, Van Vorhes and Wade—14.

So the bill passed.

Ordered, That the titles of the foregoing bills be as aforesaid, and that the House of Representatives be informed thereof.

Mr. Mitchell gave notice that, on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Presbyterian Church, of Cross Creek, in the county of Jefferson.

Mr. Latham gave notice that, on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill for the relief of John McCoy.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 53; A bill to amend the act incorporating the town of Felicity, in Clermont county;

H. No. 54; A bill to incorporate the First Regular Baptist Church and Society, in Napoleon, Henry county.

Attest:

GID. M. AYRES, *Clerk.*

On motion of Mr. Perkins,

The Senate resolved itself into a committee of the whole Senate, Mr. Harris in the chair, on the bill (S. No. 39,) to define the meaning and intention of the ninth section of the act entitled "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bills of certain descriptions," passed January 28, 1824, and after some time spent in the consideration thereof, the committee rose, reported progress, and asked leave to sit again; which was granted.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole Senate, Mr. Harris in the chair, on the bill (S. No. 39,) to define the meaning and intention of the 9th section of the act entitled "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bills of certain descriptions," passed January 28, 1824, and after some time spent in the consideration thereof, the committee rose, and reported back the bill without amendment; when

On motion of Mr. Crowell,

It was recommitted to the standing committee on the Judiciary.

On motion of Mr. Henderson,

The Senate again resolved itself into a committee of the whole Senate, Mr. Clark in the chair, on the bill (S. No. 40,) to amend the act entitled "an act to establish a court in bank, and to regulate its practice," passed March 10, 1831, and after some time spent in the consideration thereof, reported the bill back without amendment.

On motion of Mr. Nash,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate again resolved itself into a committee of the whole Senate, Mr. Bartley in the chair, on the bill (S. No. 37,) to amend the "act to provide for the sale of lands forfeited to the state for the nonpayment of taxes," passed March 14, 1831, and after some time spent in the consideration thereof, reported back the same without amendment; and

On motion of Mr. Stanton,

The bill was laid upon the table.

Mr. Goodin gave notice that, on to-morrow, or some subsequent day of the present session, he would introduce a bill to lay out and establish a State road in the counties of Hancock and Hardin.

On motion of Mr. Van Vorhes,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

FRIDAY, DECEMBER 31, 1841.

The Senate met pursuant to adjournment.

Mr. Crowell presented a petition from citizens of the county of Trumbull, praying for the passage of a law to prevent the stealing of fruit from orchards, &c.; which was

Referred to the standing committee on the Judiciary.

Mr. Robbins presented a petition from certain freeholders, of Jack-

sonville, in the county of Adams, praying for the passage of a law authorizing the sale of the public square, in said town, for school purposes; which was

Referred to a select committee of one, and Mr. Robbins appointed that committee.

Mr. Bartley presented a petition from citizens of the county of Richland, praying for an act to incorporate the Presbyterian Society of the town of Ashland, in said county; which was

Referred to a select committee of one, and Mr. Bartley appointed that committee.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the bill (S. No. 40,) to amend the act entitled "an act to establish a court in bank, and to regulate its practice," passed March 10, 1831, reported the same back with one amendment; which was agreed to.

Mr. Waddle moved to amend the bill by adding the following:

Sec. 7. That the State Librarian be directed to subscribe for the Western Farmer and Gardener, the Albany Cultivator, and Genesee Farmer, and that the State Printer be directed to print, and bind, twenty thousand volumes of each to be distributed with the General laws, to be sold to the farming community at such price as the Governor shall prescribe.

Mr. Waddle demanded the yeas and nays, on agreeing to the amendment, and they were ordered, and were, yeas 5, nays 24, as follows, to wit:

Yeas—Messrs. Crowell, Ford, Root, Wade and Waddle—5.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Spangler, Van Vorhes, Walton and Speaker—24.

So the amendment was rejected.

Mr. Root moved to amend the bill in section 4, lines 3 and 4, by striking out these words: "such price as may be established by the Governor," and insert these words: "one dollar each."

Mr. Goodin called for a division of the question, and it turning on striking out,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 12, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Henderson, Nash, Perkins, Root, Van Vorhes, Wade, Waddle and Speaker—12.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Walton—17.

So the question was lost.

Mr. Crowell moved the following amendment to section 4, line 2, after the word judges insert, "and the president and associate judges of the court of common pleas."

Mr. Leonard then moved to amend the amendment by adding, "and justices of the peace."

The yeas and nays being demanded, were ordered, and were, yeas 15, nays 14, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Crowell, Dewey, Ford, Henderson, Holmes, Leonard, Nash, Perkins, Root, Van Vorhes, Wade, Waddle and Speaker—15.

Nays—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Walton—14.

So the amendment to the amendment was agreed to.

The question then turned on agreeing to the amendment as amended, and the yeas and nays being demanded, they were ordered, and were, yeas 13, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Crowell, Dewey, Ford, Henderson, Leonard, Nash, Perkins, Root, Van Vorhes, Wade and Waddle—13.

Nays—Messrs. Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Walton and Speaker—16.

So the amendment was rejected.

Mr. Crowell moved that the further consideration of the bill be postponed until Tuesday next; upon which motion,

Mr. Holmes demanded the yeas and nays, which were ordered, and were, yeas 13, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Henderson, Leonard, Nash, Perkins, Root, Van Vorhes, Wade, Waddle and Speaker—13.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Walton—16.

So the motion to postpone was lost.

The question then being on ordering the bill to be engrossed for its third reading,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 16, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Walton—16.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Henderson, Leonard, Nash, Perkins, Root, Van Vorhes, Wade, Waddle and Speaker—13.

So the bill was

Ordered to be engrossed for its third reading on Monday next.

Mr. Bartley, from the select committee on that subject, reported a bill (S. No. 44,) to incorporate the Presbyterian Society of the town of Ashland, Richland county; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 41; A bill to change the name of the town of Waynesburgh, in the county of Wayne;

S. No. 42; A bill to enforce the resumption and continuance of specie payments by the banks within the state of Ohio;

S. No. 43; A bill to amend an act to incorporate the Baptist Church of Dover, Tuscarawas county, passed February 18, 1841.

The following bills were read the third time and passed, to wit:

H. No. 18; An act to amend the act entitled "an act to create the office of Township Assessor," passed March 20, 1841;

H. No. 23; An act to incorporate the First Baptist Church, of Amherst, in Lorain county, Ohio;

H. No. 33; An act to incorporate the Cincinnati Catholic Society for mutual relief.

Ordered, That their titles be as aforesaid, and that the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 55; A bill to incorporate the trustees of the Public Cemetery Company, of Miller township, in the county of Knox;

H. No. 56; A bill to punish crimes therein named in prevention of a fraudulent currency;

H. No. 57; A bill to amend an act entitled "an act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816, and to repeal certain acts and parts of acts therein named, passed March 23, 1840;

H. No. 58; A bill to repeal the charter of the German Bank of Wooster, and appointing Commissioners to take possession of its assets;

H. No. 59; A bill to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga;

H. No. 60; A bill giving to Mechanics a lien upon buildings;

H. No. 61; A bill to amend an act entitled "an act to amend an act entitled an act for the distribution of the proceeds of the Virginia military school fund," passed March 14, 1840;

H. No. 62; A bill to amend an act entitled "an act to incorporate the Hamilton and Rossville Hydraulic Company;"

The House has passed the Senate resolution, in relation to instructing the standing committees, of the two Houses on the Judiciary, to confer, jointly, with the judges of the supreme court, in relation to the organization of the judiciary system, so far as it relates to the supreme court.

Attest:

GID. M. AYRES, Clerk.

On motion of Mr. Spangler,

The Senate took up the preamble and resolutions in relation to the public debt of Ohio, and the faith of the state.

Mr. Root moved to amend the second amendment of the committee by adding to the last resolution, the following words—"and to preserve her faith pledged to the state of Indiana inviolate; on which motion,

Mr. Root demanded the yeas and nays, which being ordered, were as follows—yeas 12, nays 15, to wit:

Yeas—Messrs. Crowell, Dewey, Ford, Harris, Henderson, Holmes, Leonard, Mitchell, Perkins, Root, Wade and Speaker—12.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Goodin, Hazeltine, Hostetter, Latham, McConnell, Ream, Ritchey, Robbins, Spangler, Waddle and Walton—15.

So the amendment to the amendment was rejected.

Mr. Ford moved to amend the 2nd amendment by striking out the following resolution:

Resolved, That it is inexpedient to make any further loans, beyond the amount of money required to meet the existing engagements of the state."

The yeas and nays being demanded on that motion, were ordered, and were, yeas 18, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Leonard, McConnell, Perkins, Ritchey, Spangler, Wade and Speaker—18.

Nays—Messrs. Holmes, Hostetter, Latham, Mitchell, Ream, Robbins, Root, Waddle and Walton—9.

So the motion was agreed to.

Mr. Leonard moved to amend the second amendment of the committee by striking out the words "fairly and lawfully contracted;" upon which motion,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 12, nays 15, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Harris, Henderson, Leonard, Perkins, Root, Wade, Waddle and Speaker—12.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Walton—15.

So the motion was lost.

The question then being on agreeing to the following amendment, reported by the committee to the last resolution, to wit:

Strike out the last resolution, and insert the following:

Resolved, That it is the duty and determination, without exception, of the good people of this state, to make ample provision for the payment of all the debts due by this state, fairly and lawfully contracted.

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 24, nays 3, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Waddle, Walton and Speaker—24.

Nays—Messrs. Lequard, Root and Wade—3.

The resolution as amended was then agreed to by the following vote:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Wade, Waddle, Walton and Speaker—25.

Nays—Messrs. Leonard and Root—2.

The following amendment, reported by the committee, to the preamble, was then agreed to:

Strike out the preamble, and insert the following in its place:

1st Amendment. Whereas, it is by some persons believed, that the high character of our state, for honor and integrity, has been impugned by an opinion, which has been inconsiderately advanced, that the state of Ohio will, at some future period, repudiate the payment of her state liabilities, justly and lawfully contracted.

The preamble, as amended, was adopted.

On motion of Mr. Holmes,

The Senate adjourned until Monday next.

Attest:

THOMAS J. MORGAN, *Clerk.*

MONDAY, JANUARY 3, 1842.

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Lenox, in the county of Ashtabula, for a law making towns and cities liable for damages done by mobs; which was

Referred to the standing committee on the Judiciary;

Also, the following petitions, which were referred to the same committee, to wit:

A petition from citizens of Lenox, for a law to secure to every human being in the state the right of trial by jury in every case where liberty is concerned;

A petition from citizens of the same place, for a modification of school laws so far as relates to blacks and mulattoes;

A petition from citizens of the same place, for the repeal of the law prohibiting blacks and mulattoes from bearing testimony in cases where one of the parties to a suit is a white person;

A petition from citizens of the same place, for the repeal of the law relative to fugitives from labor or service of other states.

Mr. Robbins presented a petition from citizens of the county of Adams, on the subject of turnpike gates; which was

Referred to the standing committee on Railroads and Turnpikes.

Mr. Foos presented the annual report of the Goshen, Wilmington and Columbus Turnpike Road Company; which was laid on the table.

Mr. Dewey presented a petition from the overseers of the poor of Richland township, in the county of Belmont, for such a change in the laws as to allow blacks and mulattoes to give testimony in certain cases; which was

Referred to the standing committee on the Judiciary.

Mr. Robbins, from the select committee on that subject, reported a bill (S. No. 45,) to authorize the sale and conveyance of the public square, in Jacksonville, for the purposes therein expressed; which was read the first time.

Mr. Mitchell, from the select committee on that subject, reported a bill (S. No. 46,) to incorporate the Presbyterian Church, of Cross Creek, in the county of Jefferson; which was read the first time.

Mr. Clark, from the select committee on that subject, reported a bill (S. No. 47,) to incorporate the Toledo Commercial Company, at Toledo, in the county of Lucas; which was read the first time.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 41; A bill to change the name of the town of Waynesburgh, in the county of Wayne.

The following bill was read the third time, to wit:

S. No. 40; A bill to amend the act entitled "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831.

On motion of Mr. Walton,

The bill was recommitted to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. Speaker:

The following bills have passed the House, to which the concurrence of the Senate is requested:

H. No. 11; A bill to establish, permanently, the seat of justice for Summit county;

H. No. 31; A bill to authorize the directors of school district No. 11, in Falls township, Muskingum county, to sell and convey a part of their school house lot;

H. No. 36; A bill to incorporate the First Baptist Church and Society, in Brownhelm, Lorain county.

Attest:

GID. M. AYRES, Clerk.

The bills of the House were read the first time.

On motion of Mr. Spangler,

The Senate took up the annual report of the Directors of the Ohio lunatic asylum.

On motion of Mr. Spangler,
The report was laid upon the table.

On motion of Mr. Perkins,

The Senate resolved itself into committee of the whole, Mr. Foos in the chair, on Senate bill No. 32, to amend the act entitled "an act to incorporate the Dayton and Covington Turnpike Road Company," and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Barnett,

The bill was recommitted to the standing committee on Railroads and Turnpikes.

On motion of Mr. Ford,

The Senate took up Senate bill No. 37, to amend the "act to provide for the sale of lands forfeited to the state for the nonpayment of taxes," passed March 14, 1831.

On motion of Mr. Ford, the bill was

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Goodin in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills without amendment:

S. No. 41; A bill to change the name of the town of Waynesburgh, in the county of Wayne.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 43; A bill to amend the act to incorporate the Baptist Church of Dover, in Tuscarawas county, passed February 18, 1841.

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Mitchell,

The memorial of the Farmers' and Mechanics' Bank of Steubenville was taken up, and

Referred to the standing committee on the Currency.

Message from the House of Representatives.

Mr. Speaker:

The House have agreed to the Senate resolution, in relation to appointing Bank Commissioners, with one amendment.

Attest:

GEO. M. AYRES, *Clerk.*

The Senate concurred in the amendment of the House to the Senate resolution, appointing Bank Commissioners.

Mr. Holmes gave notice that he would, on to-morrow, or some subsequent day of the present session, introduce a bill to declare the forfeiture of charters for non-user, and their subjection to the will of the Legislature.

Mr. Leonard offered for adoption the following resolution, which was agreed to:

Resolved, That the Sergeant-at-arms be directed to furnish the Sen-

ate with one dozen letter folders, for the use of members heretofore not provided for.

On motion of Mr. Spangler,

The Senate took up the report of the Directors and Treasurer of the lunatic asylum, and on his motion,

So much thereof as relates to the report of the Directors, was referred to the standing committee on Public Institutions.

So much thereof as relates to the report of the Superintendent, was referred to the standing committee on Medical Colleges and Universities.

So much thereof as relates to the report of the Treasurer, was referred to the standing committee on Finance.

On motion of Mr. Root,

The Senate resolved itself into committee of the whole, Mr. Hazeltine in the chair, and the committee having no business before them, rose and reported the same.

Mr. Root moved that the Senate adjourn; upon which motion,

Mr. Goodin demanded the yeas and nays, which were ordered, and were, yeas 11, nays 16, as follows, to wit:

Yeas—Messrs. Foss, Harris, Henderson, Hostetter, Leonard, Mitchell, McConnell, Ream, Root, Taylor and Speaker—11.

Nays—Messrs. Aten, Barnett, Bartley, Crowell, Dewey, Goodin, Hazeltine, Holmes, Latham, Perkins, Ritchey, Robbins, Spangler, Van Vorhes, Waddle and Walton—16.

So the motion was lost.

Mr. Taylor asked for a call of the Senate, which was made, and several members found absent.

Mr. Spangler moved that further proceedings under the call be dispensed with; which was agreed to.

On motion of Mr. Leonard,

The Senate again resolved itself into committee of the whole, Mr. Hazeltine in the chair, and the committee having no business before them, rose and reported the same.

Mr. Hazeltine offered for adoption the following resolutions:

Resolved by the Senate and House of Representatives, That any law of Congress imposing burthens upon the people, farther than may be necessary for revenue purposes, under a faithful and economical administration of the government, is oppressive and unjust.

Resolved, That the tariff should be so modified and adjusted as to exempt from taxation, as far as practicable, all the substantial necessities of life.

Resolved, That our Representatives in congress are requested, and our Senators instructed to oppose all measures calculated, in their operation, to tax one class of industry to sustain that of any other.

Resolved, That our Representatives in congress are requested, and our Senators instructed to vote for the repeal of the distribution act of the late extraordinary session of congress, and that said act is impolitic and unconstitutional.

Mr. Holmes moved to lay the resolutions on the table; upon which motion,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 18, nays 9, as follows, to wit:

Yeas—Messrs. Bartley, Crowell, Dewey, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Walton and Speaker—18.

Nays—Messrs. Aten, Barnett, Foos, Leonard, Perkins, Root, Taylor, Van Vorhes and Waddle—9.

So the motion prevailed.

Mr. Bartley moved that the Senate adjourn.

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 11, nays 16, as follows, to wit:

Yeas—Messrs. Bartley, Harris, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, Ream, Ritchey, Spangler and Speaker—11.

Nays—Messrs. Aten, Barnett, Dewey, Foos, Goodin, Latham, Leonard, McConnell, Perkins, Robbins, Root, Taylor, Van Vorhes, Wade, Waddle and Walton—16.

So the motion was lost.

Mr. Latham, agreeably to previous notice, introduced a bill for the relief of John McCoy; which was read the first time.

Mr. Taylor moved that the Senate adjourn, and on his motion demanded the yeas and nays, which were ordered, and were, yeas 15, nays 14, as follows, to wit:

Yeas—Messrs. Bartley, Dewey, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Speaker—15.

Nays—Messrs. Aten, Barnett, Clark, Crowell, Foos, Goodin, Leonard, Perkins, Root, Taylor, Van Vorhes, Wade, Waddle and Walton—14.

So the motion prevailed, and

The Senate adjourned,

Attest:

THOMAS J. MORGAN, *Clerk.*

TUESDAY, JANUARY 4, 1842.

The Senate met pursuant to adjournment.

Mr. Holmes presented certain resolutions passed at a meeting of the members of the German United Protestant Evangelical Congregation of Cincinnati; which was referred to the standing committee on the Judiciary.

Mr. Walton presented a communication from W. W. Tracy, of the county of Guernsey, in relation to an alteration of the law concerning wills; which was referred to the standing committee on the Judiciary.

Mr. Aten, from the committee on Enrolment, made the following report:

The joint committee on Enrolment, have examined, compared and found correctly enroled, the following bills and resolutions, viz:

An act to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens;

An act to amend the act entitled, "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826.

Resolution for the appointment of Bank Commissioners.

Mr. Ford, from the standing committee on Rail Roads and Turnpikes, to which was recommitteed Senate bill No. 32, to amend the act entitled, "an act to incorporate the Dayton and Covington Turnpike Road Company, reported the same back with several amendments, which were agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 45; A bill to authorize the sale and conveyance of the public square in Jacksonville, for the purposes therein expressed;

S. No. 46; A bill to incorporate the Presbyterian Church of Cross Creek, in the county of Jefferson;

S. No. 47: A bill to incorporate the Toledo Commercial Company at Toledo, in the county of Lucas;

S. No. 48; A bill for the relief of John McCoy;

H. No. 11; A bill to establish permanently the seat of justice for Summit county;

H. No. 31; A bill to authorize the directors of school district No. 10, in Falls township, Muskingum county, to sell and convey a part of their school-house lot;

H. No. 36; A bill to incorporate the First Baptist Church and Society in Brownhelm, Lorain county.

The following bills of the Senate were read the third time and passed; to wit:

S. No. 37; An act to amend the act to provide for the sale of lands forfeited to the state for the non-payment of taxes, passed March 14, 1831;

S. No. 41; An act to change the name of the town of Waynesburgh, in the county of Wayne;

S. No. 43; An act to amend the act entitled, an act to incorporate the Baptist Church of Dover, in Tuscarawas county, passed February 18, 1841.

Ordered, That their titles be as aforesaid, and that the House of Representatives be informed thereof.

On motion of Mr. Barnett, it was

Resolved, by the General Assembly of the State of Ohio, That three thousand copies of the Treasurer's annual report, be printed for the use of the members of this general assembly.

On motion of Mr. Spangler,

The senate took up the resolution of the House, relative to printing three thousand copies of the annual report of the Auditor of State, respecting the liabilities of the state of Ohio, together with the special report of the Auditor, in relation to the loans made by the fund commissioners, of the Franklin Bank of Columbus, the Chillicothe Bank, and the New York City Banks.

On motion,

The resolution was agreed to.

On motion of Mr. Aten, it was

Resolved, That the Quartermaster General, communicate to the Senate, at the earliest convenient time, and from such data as may be in his possession, the number, kind and quality, of public arms distributed in the several respective divisions of the militia of the state of Ohio.

Resolved, That the Adjutant General of the State, communicate to the Senate, at the earliest possible time, the number of commissioned and staff officers of each division of militia of the state.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 63; A bill for the relief of John Erbe, Jacob Warner and Mark W. Babb;

H. No. 64; A bill to amend an act entitled, "an act to regulate the practice of Judicial Courts;

H. No. 65; A bill to lay out and establish a state road in the counties of Holmes, Knox and Marion;

H. No. 66; A bill to incorporate the Union Library Association of Richmond, in the county of Ashtabula;

H. No. 67; A bill to incorporate the town of Waverly, in the county of Pike, and state of Ohio;

H. No. 68; A bill authorizing the commissioners of Cuyahoga county, to assess additional taxes for county purposes;

H. No. 69; A bill to incorporate the first Presbyterian Church in Berlin township, in Delaware county;

H. No. 70; A bill to incorporate the First Presbyterian Church in Liberty township, in Delaware county;

H. No. 71; A bill to authorize the sale of school section sixteen in Townsend township, in county of Sandusky;

H. No. 72; A bill to amend the act to prevent the issuing and circulating of unauthorized bank paper, passed January 27, 1916.

H. No. 73; A bill to amend the act amendatory of an act to incorporate the town of Wellsville, in the county of Columbiana.

The House has indefinitely postponed the Senate resolution, in relation to printing the report of the Auditor of State, relative to the liabilities of the state.

The House has passed the following bill to which the concurrence of the Senate is requested.

H. No. 35; A bill to incorporate the Western Fire Engine and Hose Company, of Cincinnati.

Attest:

GID. M. AYRES, *Clerk*.

The bill of the House was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution in relation to the election of an Associate Judge for Trumbull county.

Attest:

GID. M. AYRES, *Clerk*.

On motion of Mr. Goodin,

The resolution of the House was amended by striking out the words "Wednesday next," and inserting the words "Tuesday the 11th instant," so that the election might be held on that day.

The resolution, as amended, was then agreed to.

On motion of Mr. Ford,

The Senate resolved itself into a committee of the whole Senate, Mr. Holmes in the chair, on the orders of the day, and after the consideration thereof, rose and reported the following bills, to wit:

S. No. 44; A bill to incorporate the Presbyterian Society of the town of Ashland, Richland county.

On motion of Mr. Hazeltine,

The bill was referred to the standing committee on Corporations.

H. No. 36; A bill to incorporate the First Baptist Church and Society in Brownhelm, Lorain county;

Ordered to its third reading to-morrow.

H. No. 31; A bill to authorize the directors of school district No. 10, in Falls township, Muskingum county, to sell and convey a part of their school house lot;

Referred to the standing committee on Schools and School Lands.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 40, to amend the act entitled "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831, reported the same back with one amendment; which was agreed to.

Mr. Walton moved to amend the bill by adding at the close of the third section, the following words: "and Auditor and Secretary of State;" which amendment was agreed to.

The question then recurring upon the passage of the bill as amended, Mr. Root demanded the yeas and nays, which being ordered, were, yeas 18, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—18.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins; Root, Thomas, Van Vorhes, Wade, Waddle and Speaker—14.

So the bill passed.

On motion,

The Senate resolved itself into committee of the whole, Mr. Henderson in the chair, on Senate bill No. 42, to enforce the resumption and continuance of specie payments by the banks within the state of Ohio, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Taylor,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Ford,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

WEDNESDAY, JANUARY 5, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented a remonstrance from citizens of Springfield township, in the county of Columbiana, against any and every dismemberment or division of said county; which was laid on the table, and the printing dispensed with.

Mr. Taylor presented the reply of B. Buckingham and John and William Van Buskirk, to the special report of Leander Ransom, in reference to the obstructions in the feeder of the North Fork of the Licking river; which was laid on the table.

Mr. Goodin presented a petition and accompanying papers from Eleanor Eaton, of the county of Seneca, praying for a divorce from her husband; which was

Referred to the standing committee on the Judiciary.

Mr. Waddle presented several papers in relation to the claim of R. Bixbey for relief; which were

Referred to the standing committee on Claims.

Mr. Crowell presented a petition from citizens of Liberty township,

in the county of Trumbull, for the passage of a law compelling the Pennsylvania and Ohio canal company to construct farm bridges in said township, in cases where farms have been divided by said canal; which was

Referred to the standing committee on Canals.

Mr. Thomas presented several petitions asking the erection of a new county to be called "Wabash;" which was

Referred to the standing committee on New Counties.

Mr. Holmes presented a petition from citizens of Columbia and Symmes township, in the county of Hamilton, praying for the passage of a law authorizing the county commissioners to lay off and establish a new township out of parts of said townships.

Mr. Holmes moved to refer the petition to the standing committee on the Judiciary, with instruction to report a bill so to amend the act entitled "an act to provide for the incorporation of Townships," passed March 5, 1831, as to authorize the county commissioners of their respective counties, to lay off and establish new townships, when, in their opinion, the public convenience require it

Mr. Bartley called for a division of the question, which turning on referring the petition to the committee on the Judiciary, the reference was agreed to.

The question recurring on the instructions,

Mr. Bartley demanded the yeas and nays, which were ordered, and were, yeas 11, nays 20, as follows, to wit:

Yeas—Messrs. Foos, Holmes, Mitchell, Nash, Robbins, Root, Spangler, Stanton, Wade, Waddle and Speaker—11.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, McConnell, Perkins, Ream, Ritchey, Taylor, Thomas and Walton—20.

So the instructions were not agreed to.

Mr. Stanton presented a petition from G. F. Sanderson and others, for a change of the name of Theodore Oliver; which was

Referred to a select committee of one, and Mr. Stanton appointed said committee.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 44, to incorporate the Presbyterian Society of the town of Ashland, Richland county, reported the same back with one amendment; which was agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 28, to vacate part of the town of Dinmansburgh, in the county of Shelby, reported the same back without amendment, and recommended its passage. The bill was

Ordered to its third reading on to-morrow.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

H. No. 35; A bill to incorporate the Western Fire Engine and Hose Company of Cincinnati.

The following bills were read the third time and passed, to wit:

H. No. 36; An act to incorporate the First Baptist Church and Society, in Brownhelm, Lorain county;

S. No. 32; An act to amend the act entitled an act to incorporate the Dayton and Covington Turnpike Road Company.

Ordered, That their titles be as aforesaid, and that the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been introduced into the House, and read the first time:

H. No. 14; A bill to lay out and establish a State road in the counties of Vanwert and Mercer.

The following bill of the House has been read the third time and passed, to wit, to which the concurrence of the Senate is requested:

H. No. 29; A bill to divorce Annas Whitaker from his wife Phoebe Whitaker.

The following bill of the Senate has been read the third time and passed, to wit:

S. No. 3; A bill to incorporate the Eaton Medical Society.

The following bills have been signed by the Speaker of the House, to which the signature of the Speaker of the Senate is requested:

S. No. 12; An act to amend the act entitled an act to incorporate the Lancaster Lateral Canal Company;

S. No. 13; An act to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens;

An act to incorporate the First Presbyterian Society, of Newburg, in the county of Guyahoga;

An act making temporary appropriations for certain purposes;

An act to change the name of Ossian B. D. Coates;

An act to incorporate Perry Engine Company No. 1, of Massillon, Stark county, Ohio;

An act to incorporate Jefferson Lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio;

An act to incorporate the Cincinnati Catholic Society for mutual relief;

An act to amend the act entitled "an act to create the office of Township Assessor," passed March 20, 1841;

An act to incorporate the First Baptist Church of Amherst, Lorain county;

An act to incorporate the First Christian Church, of Paint Creek, in Gasper township, Preble county;

An act to incorporate the First Baptist Church of Lowell, Washington county;

An act to incorporate the First Moral Library Association, of Williamsfield, in the county of Ashtabula.

The following joint resolutions have been signed by the Speaker of the House, to which the signature of the Speaker of the Senate is requested:

A resolution instructing clerks of courts of common pleas to distribute copy of laws to directors of poor houses;

A resolution in relation to the admission of Hanson Young in the asylum for the blind;

A resolution in relation to the collated statutes in Portage county;

A resolution in relation to the appointment of trustees for the Charity School, of Kendall, in the county of Stark;

A resolution appointing Bank Commissioners.

Attest:

GID. M. AYRES, *Clerk*.

The bill of the House was read the first time.

The Speaker of the Senate signed the enrolled acts and resolutions.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following preamble and resolutions, to which the concurrence of the Senate is requested:

Preamble and resolutions in relation to a resumption of specie payments.

Attest;

GID. M. AYRES, *Clerk*.

The resolutions of the House were referred to the standing committee on the Judiciary.

On motion of Mr. Goodin,

The Senate resolved itself into committee of the whole, Mr. Hostetter in the chair, on House bill No. 35, to incorporate the Western Fire Engine and Hose Company of Cincinnati, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Spangler, the bill was

Recommitted to the standing committee on Corporations.

On motion of Mr. Thomas,

The Senate resolved itself into committee of the whole, Mr. Root in the chair, on Senate bill No 31, to repeal so much of each and every act of the General Assembly, as empowers any incorporated city, town, village, or borough, within the state, to license groceries, or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drinks, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

Mr. Thomas moved that the bill be laid upon the table; on which motion,

Mr. Spangler demanded the yeas and nays, which being ordered, resulted in yeas 19, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Crowell, Dewey, Ford, Foot, Godman, Harris, Henderson, Hostetter, McConnell, Nash, Perkins, Ritchey, Root, Stanton, Thomas, Wade and Waddle—19.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Latham, Mitchell, Ream, Robbins, Spangler, Taylor, Walton and Speaker—13.

So the bill was laid upon the table.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Leonard in the chair, on the orders of the day; and after some time spent in the consideration thereof, the committee rose, and reported back the following bills:

S. No. 45; A bill to authorize the sale and conveyance of the public square in the town of Jacksonville, in the county of Adams, for the purposes therein named, with one amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 46; A bill to incorporate the Presbyterian Church, of Cross Creek, in the county of Jefferson, without amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Holmes,

The Senate again resolved itself into committee of the whole, Mr. Michell in the chair, on Senate bill No. 15, further to amend the several acts establishing the Miami University, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Hazeltide,

The bill was recommitted to the standing committee on Colleges and Universities.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House preamble and resolutions in relation to specie payments, reported the same back without amendment, and recommended their passage.

The preamble and resolutions were then adopted, and read as follows:

Preamble and resolutions in relation to specie payments.

Whereas, in the opinion of the General Assembly of the state of Ohio, there exists between the citizens of said state, and the citizens of the commonwealth of Pennsylvania, a community of interest and a reciprocity of feeling on the all engrossing subject of the currency—a feeling and an interest rendered the more important and intimate by the great channel of artificial communication which, in all time to come, must more and more unite the energies, stimulate the enterprise, and enhance the wealth, both public and private, of the two states; *and, whereas*, in the judgment of this General Assembly, all other available means combined cannot be as powerful to equalize the currency and regulate the exchanges of the country, as a return by the banks, to an absolute, prompt, and permanent resumption of specie payments; therefore,

Resolved by the Senate and House of Representatives of the State of Ohio, That, firmly confiding in the patriotism and ability of the legislative and executive authorities of the commonwealth of Pennsylvania, we invoke their immediate action in all ways, and by all means, within their constitutional power, to enforce an early and absolute resumption of specie payments by the banks of that commonwealth; and

that we pledge ourselves to exert the utmost authority vested in us, to compel the banks of this state, in every instance, either to go into immediate liquidation, or positively to resume and maintain the prompt redemption of their notes in the legal currency of the United States; and further,

Resolved, That the foregoing preamble and resolution be forwarded by the Governor of this state, without delay, to the executive of Pennsylvania, with the request of this General Assembly, that the same may be laid before the honorable the legislature of said commonwealth at their present session.

Mr. Root moved a call of the Senate, which being ordered, several members were found absent.

On motion of Mr. Nash,

Mr. Carpenter was excused.

On motion of Mr. Ford,

Mr. Perkins was excused.

On motion, further proceedings under the call were dispensed with.

Mr. Bartley, from the standing committee on the Judiciary, reported the following preamble and resolutions:

Preamble and resolutions in relation to specie payments.

Whereas, in the opinion of the General Assembly of the state of Ohio, there exists between the citizens of said state and the citizens of the state of Virginia, a community of interest and a reciprocity of feeling on the all engrossing subject of the currency—a feeling and an interest rendered the more important and intimate by the great channels of artificial communication which, in all time to come, must more and more unite the energies, stimulate the enterprise, and enhance the wealth, both public and private, of the two states; *and, whereas*, in the judgment of this General Assembly, all other available means combined cannot be as powerful to equalize the currency, and regulate the exchanges of the country, as a return by the banks to an absolute, prompt, and permanent resumption of specie payments; therefore,

Resolved by the General Assembly of the State of Ohio, That, firmly confiding in the patriotism and ability of the legislative and executive authorities of the state of Virginia, we invoke their immediate action, in all ways, and by all means, within their constitutional power, to enforce an early and absolute resumption of specie payments by the banks of that state; and that we pledge ourselves to exert the utmost authority vested in us, to compel the banks of this state, in every instance, either to go into immediate liquidation, or positively to resume and maintain the prompt redemption of their notes in the legal currency of the United States; and further,

Resolved, That the foregoing preamble and resolution be forwarded by the Governor of this state, without delay, to the executive of the state of Virginia, with the request of this General Assembly, that the same may be laid before the honorable the legislature of said state at their present session.

Mr. Waddle called for a division of the question, and it turning on adopting the resolutions, they were agreed to—yeas 30, nays 0, as follows, to wit:

• Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Dewey, Ford, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—30.

Nays—0.

On motion of Mr. Bartley,

The vote on agreeing to the resolution to be forwarded to Pennsylvania was reconsidered, and the 1st resolution amended by striking out "Senate and House of Representatives," and inserting "General Assembly."

Mr. Root asked for a call of the Senate, which was made, and Messrs. Clark, Harris, Latham and Perkins found absent.

Mr. Holmes moved that further proceedings under the call be dispensed with; upon which motion,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 12, nays 18, as follows, to wit:

Yeas—Messrs. Bartley, Goodin, Hazeltine, Holmes, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Walton and Speaker—12.

Nays—Messrs. Aten, Barnett, Crowell, Dewey, Ford, Foos, Godman, Henderson, Hostetter, Leonard, Nash, Root, Stanton, Taylor, Thomas, Van Vorhes, Wade and Waddle—18.

So the motion was lost.

Mr. Nash moved that the Senate adjourn; upon which motion,

Mr. Taylor demanded the yeas and nays, which were ordered, and were, yeas 8, nays 23, as follows, to wit:

Yeas—Messrs. Crowell, Ford, Foos, Godman, Henderson, Leonard, Nash and Thomas—8.

Nays—Messrs. Aten, Barnett, Bartley, Dewey, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—23.

So the motion was lost.

The question then recurring on agreeing to the preamble to the resolution,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 27, nays 4, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Dewey, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Walton and Speaker—27.

Nays—Messrs. Crowell, Ford, Wade and Waddle—4.

So the preamble was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, reported the following preamble and resolutions:

Preamble and resolutions in relation to specie payments.

Whereas, in the opinion of the General Assembly of the state of Ohio, there exists between the citizens of said state and the citizens of the state of Kentucky, a community of interest and a reciprocity of feeling on the all engrossing subject of the currency—a feeling and an interest rendered the more important and intimate by the great channels of artificial communication which, in all time to come, must more and more unite the energies, stimulate the enterprise, and enhance the wealth, both public and private, of the two states; *and, whereas*, in the judgment of this General Assembly, all other available means combined, cannot be as powerful to equalize the currency, and to regulate the exchanges of the country, as a return by the banks to an absolute, prompt, and permanent resumption of specie payments; therefore,

Resolved by the General Assembly of the State of Ohio, That, firmly confiding in the patriotism and ability of the legislative and executive authorities of the state of Kentucky, we invoke their immediate action in all ways, and by all means, within their constitutional power, to enforce an early and absolute resumption of specie payments by the banks of that state; and that we pledge ourselves to exert the utmost authority vested in us, to compel the banks of this state, in every instance, either to go into immediate liquidation, or positively to resume and maintain the prompt redemption of their notes in the legal currency of the United States; and further,

Resolved, That the foregoing preamble and resolution be forwarded by the Governor of this state, without delay, to the executive of Kentucky, with the request of this General Assembly, that the same may be laid before the honorable the legislature of said state at their present session.

Mr. Root demanded the yeas and nays.

Mr. Stanton called for a division of the question, and it turning on agreeing to the resolutions, was carried—yeas 31, nays 0, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—31.

Nays—0.

So the resolution was agreed to.

The preamble was then agreed to.

Mr. Bartley, from the standing committee on the Judiciary, offered for adoption the following preamble and resolutions:

Whereas, in the opinion of the General Assembly of the state of Ohio, there exists between the citizens of said state and the citizens of

the state of Illinois, a community of interest and a reciprocity of feeling on the all engrossing subject of the currency—a feeling and an interest rendered the more important and intimate by the great channels of artificial communication which, in all time to come, must more and more unite the energies, stimulate the enterprise, and enhance the wealth, both public and private, of the two states; *and, whereas*, in the judgment of this General Assembly, all other available means combined, cannot be as powerful to equalize the currency, and regulate the exchanges of the country, as a return by the banks to an absolute, prompt, and permanent resumption of specie payments; therefore,

Resolved by the General Assembly of the State of Ohio, That, firmly confiding in the patriotism and ability of the legislative and executive authorities of the state of Illinois, we invoke their immediate action, in all ways, and by all means, within their constitutional power, to enforce an early and absolute resumption of specie payments by the banks of that state; and that we pledge ourselves to exert the utmost authority vested in us, to compel the banks of this state, in every instance, either to go into immediate liquidation, or positively to resume and maintain the prompt redemption of their notes in the legal currency of the United States; and further,

Resolved, That the foregoing preamble and resolution be forwarded by the Governor of this state, without delay, to the executive of that state, with the request of this General Assembly that the same may be laid before the honorable the legislature of said state at its next session.

A division of the question being called for, it recurred upon the adoption of the resolutions; which were agreed to.

Mr. Crowell moved that the preamble be laid upon the table; on which motion the yeas and nays being demanded, were ordered, and resulted as follows—yeas 3, nays 28, to wit:

Yeas—Messrs. Crowell, Dewey and Waddle—3.

Nays—Messrs. Aten, Barnett, Bartley, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Walton and Speaker—28.

So the Senate refused to lay the preamble upon the table.

The question then recurring on the adoption of the preamble, the yeas and nays were demanded, and were, yeas 26, nays 5, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Dewey, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Thomas, Van Vorhes, Walton and Speaker—26.

Nays—Messrs. Crowell, Ford, Stanton, Wade and Waddle—5.

So the preamble was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, reported the following preamble and resolutions:

Whereas, in the opinion of the General Assembly of the state of Ohio, there exists between the citizens of said state and the citizens of the state of Michigan, a community of interest and a reciprocity of feeling on the all engrossing subject of the currency—a feeling and an interest rendered the more important and intimate by the great channels of artificial communication which, in all time to come, must more and more unite the energies, stimulate the enterprise, and enhance the wealth, both public and private, of the two states, *and, whereas*, in the judgment of this General Assembly, all other available means combined cannot be as powerful to equalize the currency and regulate the exchanges of the country, as a return by the banks to an absolute, prompt, and permanent resumption of specie payments; therefore,

Resolved by the General Assembly of the State of Ohio, That, firmly confiding in the patriotism and ability of the legislative and executive authorities of the state of Michigan, we invoke their immediate action, in all ways, and by all means, within their constitutional power, to enforce an early and absolute resumption of specie payments by the banks of that state; and that we pledge ourselves to exert the utmost authority vested in us, to compel the banks of this state, in every instance, either to go into immediate liquidation, or positively to resume and maintain the prompt redemption of their notes in the legal currency of the United States; and further,

Resolved, That the foregoing preamble and resolution be forwarded by the Governor of this state, without delay, to the executive of the state of Michigan, with the request of this General Assembly that the same may be laid before the honorable the legislature of said state at their present session.

Mr. Root moved to recommit the preamble and resolutions to the standing committee on the Judiciary, with instructions to report a set of resolutions applying to the state of Mississippi.

Mr. Taylor called for a division of the question, and it recurring on recommitting, the yeas and nays were demanded, and were, yeas 12, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Nash, Root, Stanton, Thomas, Van Vorhes, Wade and Waddle—12.

Nays—Messrs. Aten, Bartley, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the Senate refused to recommit.

The question then recurring upon the adoption of the preamble and resolutions,

On motion,

They were adopted.

Mr. Bartley gave notice that, on to-morrow, or some subsequent

day of the present session, he would introduce a bill to equalize the benefits of the public improvements of this state, and the burthens of taxation for the construction of said improvements, so that a portion of the counties of the state shall not be oppressed with taxation, and robbed under the semblance of laws, of a part of their substance for the exclusive benefit of other sections of the state.

Message from the House of Representatives.

Mr. Speaker:

The House has passed Senate bill No. 23.

An act to incorporate the First Regular Baptist Church and Society, of New Haven, in Huron county.

The following bills of the House have been read the third time and passed, to wit:

H. No. 42; A bill to incorporate the First Congregation of Disciples in Norton, Summit county;

H. No. 43; A bill to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Julianna Crow, Joseph L. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow;

H. No. 45; A bill to incorporate the Evangelical Church of Arnheim, Brown county.

The House has agreed to the Senate resolution in relation to printing extra copies of the Treasurer's report.

The following bills have been introduced into the House, and read the first time, to wit:

A bill (No. 75,) to extend the limits of the corporation of the town of Higginsport, in Brown county;

A bill (No. 76,) to repeal the act incorporating the town of Hillsborough, in the county of Highland;

A bill (No. 77,) for the relief of Wm. H. Hamilton.

The House has agreed to the Senate amendment to the House resolution, providing for the election of an Associate Judge, with one amendment, to which the concurrence of the Senate is requested.

Attest:

GEO. M. AYRES, *Clerk.*

The bills of the House were read the first time.

The resolution and amendment of the House were laid on the table.

On motion of Mr. McConnell,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, JANUARY 6, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented a remonstrance from 70 citizens of Franklin township, in the county of Columbiana, against any and every dismemberment and division of said county; which was laid on the table.

Mr. Aten also presented a resolution adopted by the Town Council of the borough of Salem, in the county of Columbiana, requesting an amendment to the act incorporating said town; which was referred to a select committee of one, and Mr. Aten was appointed that committee.

Mr. Hazeltine presented a remonstrance from 232 citizens, against the creation of a new county out of parts of the counties of Preble, Montgomery, Butler, and Warren; which was referred to the standing committee on New Counties.

Mr. Latham presented a petition from 144 citizens of the counties of Ross and Jackson, praying that the law relating to fugitives from labor or service in other states, may be amended, and for other purposes; which was referred to the standing committee on the Judiciary.

Mr. Spangler presented a petition from 2,692 legal voters of the county of Summit, praying for the location of the seat of justice for said county, at Akron; which was referred to the standing committee on New Counties.

Mr. Goodin presented a petition from 42 citizens of the county of Seneca, praying for an act to divorce Eleanor Eaton from her husband; which was referred to the standing committee on the Judiciary.

Mr. McConnell presented a petition from the trustees of the First Methodist Episcopal Church of McConnellsville, for an act to place certain property under the legal control of said trustees; which was referred to the standing committee on the Judiciary.

Mr. Root presented a petition from 110 citizens of Monroeville, in the county of Huron, praying for such legislation as will bring about a resumption of specie payments by the banks, and suppress unauthorized bank paper; which was referred to the standing committee on the Currency.

Mr. Mitchell presented the proceedings of a meeting of the citizens of the county of Carroll.

On motion of Mr. Mitchell,

So much of said proceedings as relates to banks and the currency, was referred to the standing committee on the Currency; and

So much as relates to the distribution of the proceeds of the sales of the public lands, was referred to the standing committee on Finance.

Mr. Waddle presented the claim of William Domigan for attendance on the Court-in-bank; which was referred to the standing committee on Claims.

Mr. Crowell presented a petition from citizens of the county of Trumbull, praying for the passage of a law giving a bounty on cocoons and reeled silk; which was referred to the standing committee on Agriculture, Manufactures, and Commerce.

Mr. Holmes, from the standing committee on Corporations, to which

was referred the bill (H. No. 35,) to incorporate the Western Fire Engine and Hose Company of Cincinnati, reported back the same with one amendment, which was agreed to, and the bill ordered to its third reading to-morrow.

Mr. Holmes, from the same committee, to which was referred the bill (S. No. 21,) to incorporate the Jackson Mill Company, reported the same back with sundry amendments, which were agreed to, and the bill further amended, and ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the joint committee on the Judiciary, made the following report:

The Judiciary committees of the two Houses of the General Assembly, acting under the instructions of a joint resolution to confer jointly with the Judges of the Supreme Court, on the subject of dividing the state into two circuits, for the transaction of the business of the Supreme Court on the circuit, report:

That the committees communicated to the judges of the supreme court, in writing, the fact of the adoption of the resolution, and requested them to furnish the committees in writing, with a division of the state into two circuits, and with such suggestions on that subject, as they might deem it proper to make. The judges furnished a reply to the communication of the committees, which is herewith submitted, and attached to this report. The division of the state into two circuits was not, however, furnished to the committees as requested.

The supreme judges express their opinion, that no effectual remedy can be applied to the evil attendant upon the present mode of doing the business in the supreme court other than an alteration of the constitution of the state. The committees, with all proper deference for the opinion of the judges, came to a different conclusion. Since the first section of the third article of the constitution of the state confers a discretionary power upon the legislature to vest the judicial power of the state, both as to matters of law and equity, not only in the existing tribunals of justice, but "*in such other courts as the legislature may, from time to time establish,*" it does not seem to the committees, that there exists any actual necessity for an alteration of the constitution. By the creation of an additional court, the supreme court can be relieved from any part of their present business, and the purposes of justice effected, with the same advantages, and by the same process of litigation, which are now afforded. The judges alledge, as a reason against the creation of an additional court, that it would be imposing an increased expense upon the people of the state who are already oppressed by taxation. The committee, however, are unable to perceive how the evil can be remedied by an alteration of the constitu-

tion, without imposing even a much greater expense upon the state. Besides the great expense attendant upon calling a convention to alter the constitution, and the many and fearful dangers which might follow from disturbing the fundamental pillars of our social compact at this time, the remedy could by that means, only be applied by creating additional judges to the supreme court. And it is not very easy to see, how the necessary additional number of Supreme judges could be created and not incur an expense tantamount to that of an additional court.

A mode is suggested, by the judges, for alleviating the existing evil, by taking from the supreme court the right of trial by jury, and by prohibiting appeals to the supreme court in certain cases, and conferring upon the jurisdiction of justices of the peace, actions for assault and battery, malicious prosecution, suits for slander, on contract for real estate, and actions in which the title to land may be drawn in question. But it is worthy of serious consideration, whether the proposed alleviations might not be productive of evils even greater than those arising from the existing mode of doing the business of the supreme court on the circuit. In a few cases, appeals to the supreme court might, no doubt, be prohibited with a beneficial effect. But the proposed extension of the jurisdiction of justices courts, and the prohibition of the right of trial by jury in an appellate court, would not meet with a very favorable consideration from the people of the state. The inviolate right of trial by jury, is guaranteed by the constitution of the state, and esteemed as the birth right and high privilege of freemen. It has long been enjoyed by the people of this state, in the form afforded by our existing laws, and the people, doubtless, would consent with great reluctance, to any abridgement of that most important and salutary institution of justice. Upon this subject it is, perhaps, not unworthy of remark, that the peculiar province of juries, in determining matters of fact in courts of justice, which, in former times, was held sacred, has been so much encroached upon by many of our contemporary judges, until it has become a matter of complaint from many parts of our state. In olden times, the most distinguished judges upon the bench, believed themselves incapable, or at least, unsuitable persons to determine matters of fact, and, therefore, left them entirely to the jury; but many of our modern judges, in delivering their charges to the jury, not only argue the matters of fact to the jury, but also give the jury their own opinion both directly as well as indirectly, as to the conclusions which they should infer from the facts. And in case it happens that the verdict of the jury is contrary to the opinion of the judges upon the facts, it is not very unusual for new trials to be granted, upon the ground that the court are of opinion that the verdict is not sustained by the evidence. While, therefore,

there exists an opportunity for a jury trial in two different courts, there is a chance at least, even in case neither of the verdicts should be independent of the controlling influence of the opinion of the judges upon the facts, that the judge in the appellate court may control the jury upon the facts, in a different way from the judge in the original court, so that if injustice should be done by the controlling influence of a common pleas judge, over matters of fact, there is a chance, at least, of correcting the evil in an appellate court.

Upon the question of the expediency of dividing the state into two circuits, the committee did not entirely agree. This plan, although not clear of objections, is deemed, by a majority of the committees, entirely preferable to the present mode of doing the business of the supreme court on the circuit. But, in order to have it operate successfully, it would be necessary that there should be a willing acquiescence and cheerful co-operation upon the judges of the supreme court, and a disposition to increase, to some extent, their labors and exertions in order to meet the present increased requisitions of the business in that court. But against the unanimous opinion of the judges, and their decided and unyielding repugnance to a division of the state into two circuits, the committee upon the part of the Senate are of opinion that it would not be advisable to divide the state into two circuits.

The committees are fully sensible, that the labors of the judges of the supreme court are extremely onerous, and that, in the present mode of doing business on the circuit, as well as in bank, it is not to be expected that the judges should be able to do near all the business; or that that which is done, should be done with entire satisfaction, either to the court, or to the persons interested, on account of the great haste and rapidity which is necessarily adopted. It is well remarked by the judges, that the present mode of doing the business, amounts, in many instances, to a denial of justice. Some remedy to the existing evils is imperatively demanded at the hands of the legislature. And a part of the committee are of the opinion that the simplest and most economical mode of correcting the evil, would be the establishment of an additional appellate court, to disburden the supreme judges of a part of their labors. This plan will not interfere with the passage of the bill now pending in the senate, for fixing the times for holding the supreme court on the circuit. It will require considerable time to prepare it, and the committees will take it under consideration, and if they can agree, endeavor to mature a plan, during the present session, for the establishment of an additional court.

The committee, therefore, recommend the passage of the bill now pending in the senate, for fixing the times for holding the terms of the supreme court.

COMMUNICATION OF THE SUPREME JUDGES.

To the honorable, the joint Judiciary committee, of the two Houses of the General Assembly of the State of Ohio:

GENTLEMEN:—In reply to the communication made to us this day by your chairman, the undersigned Judges of the Supreme Court of the State of Ohio, beg leave to make the following suggestions:

The evils experienced in the vast accumulation of business in the Supreme Court, are attributable to that article of the constitution, which relates to the Judiciary system of the State. This article provides that the number of Judges of the Supreme Court shall never exceed four; it requires that two of these Judges shall be necessary to hold a court, and that a court shall be holden in each county of the State, each and every year.

At the time the constitution was adopted, the population was small, not exceeding sixty thousand; the number of counties was small, not exceeding eight; and the business of the court comparatively trifling. Immediately after the organization of the government, other counties were created, and the State divided into circuits of the Courts of Common Pleas. The system, for the time being, was found to operate well, and did so operate for many years. But since the population of the State has increased to more than fifteen hundred thousand, and the number of counties to seventy nine, with a litigative business, increasing in population to the commerce and enterprize of the people of the State, it has become absolutely impossible for the Supreme Court to dispose of the business which comes before it. The consequence is, that justice is delayed, and delayed, too, so long, that in many cases it is equivalent to its denial.

It is believed that, under the present constitution, no effectual remedy can be applied to the evil, but still it may be much alleviated.

To effect this object, several projects have been suggested. One of these is to divide the State into two circuits. The framers of the constitution had an eye to this, when they introduced the clause, authorizing the Judges of the court to "divide the State into two circuits." The present members of the court have frequently had this subject under consideration, but have not been able to satisfy themselves, that such division would be expedient.

The time now consumed by each member of the court in traveling to and from, and in holding court, is between six and seven months, in each year. To this must be added another month, at least, expended after the adjournment of the Court in Bank, in preparing reports of cases decided for publication. So that, in fact, from seven to eight months, in each year, is devoted to the actual business of the court. It is believed, that there is not a court in the United States, upon which duties equally arduous are imposed. Judges of courts, as well as other individuals, must have some little time for leisure and recreation, if it be expected of them to make decisions which will be satisfactory to themselves, or to the community.

It has been proposed, further, to create new courts. This is within the constitutional power of the General Assembly. But is it advisable? It would be attended with great additional expense to the State; and in times like the present, when it is with difficulty that the people can pay the taxes assessed against them, it would seem to be impolitic, if not unjust, to add to their burdens, unless in case of absolute necessity. But it is not sure that such measure would, in the least, tend to remedy the evil complained of. There is no difficulty in disposing of the business in the Courts of Common Pleas. If the business in that court accumulates, it is only necessary to create new circuits, unless it should so happen that the business in a single county was too great for the business of an entire circuit. This power, to create new circuits, has been freely exercised, and the number has been increased from three to fifteen. The county of Hamilton has, for many years, constituted an entire circuit. In that county it has been found necessary to create a Superior Court of Law and Equity. But this was done, not to relieve the Supreme Court from any of its business, but to relieve the Court of Common Pleas, and it has well answered the ends of its creation.

It may be intended to deny the right of appeal from the judgments of a new court, should such court be organized. But the same end may be gained, without incurring additional expense to the State, by taking away the right of appeal from judgments rendered in the Court of Common Pleas.

It may be proper to state, the experiment of two circuits has been twice tried, and in neither instance was it continued for more than one year. It was ascertained by the Legislatures of that period that it would not do. Under such an arrangement the inability of a single Judge, must for the time such inability continues, suspend the action of the court entirely, while, under the present system, the only suspension would be until another Judge could reach the circuit.

So far as we can see, the only remedy which can consti-

tionally be applied to the existing evils, must be by an entire change, or a modification of the laws as to appeals.

In most countries where the right of trial by jury is enjoyed, a second trial at the election of either party is unknown. Such second trial is only granted at the discretion of the court, in which the first is had, in consequence of the mistake of the court, as to matter of law, or of the jury, as to matter of fact. But, by our system, either party dissatisfied with the verdict of the jury, in the Court of Common Pleas, may appeal to the Supreme Court, and obtain a second trial, as a matter of course. Let the verdict of the jury be what it may in the appellate court, it is conclusive. To make it conclusive, if the verdicts are concurring, would be founded in reason, but if the verdicts are conflicting, why should the last be any more conclusive than the first? In many cases the trial in the Common Pleas, is used as a mere preliminary step for the trial in the appellate court. But was the trial in that court conclusive, the same full preparation would be then made, as is now made in the Supreme Court. In a great majority of cases, we have no doubt that the ends of justice would be, at least, as well subserved by one jury trial as by more. We are aware that the right of appeal has been so long enjoyed in this State, that nothing but the strongest reason would justify its being taken away; but being called upon to suggest a remedy for the existing evil, we suggest this as the most effectual which could be adopted. It would relieve the Supreme Court of, at least, one half its business upon the circuit, and the residue might be transacted, for years to come, without any serious inconvenience.

Another measure which might be adopted, and which would afford partial relief, would be to extend the jurisdiction of justices of the peace, to cases where they are now prohibited from exercising jurisdiction. Such are contained in the one hundred and ninth section of the justice law. This class of cases, are actions of assault and battery, malicious prosecution, replevin, slander, on contracts for real estate, and actions in which the title of land may be drawn in question. The consequence of extending the jurisdiction of justices, as proposed, would be to have trifling cases of the nature recapitulated, finally settled in the Court of Common Pleas, on appeal from a justice's judgment.

Should this measure not be deemed expedient, the same object might be effected by taking away the right of appeal in actions of tort, where the sum recovered in the Court of Common Pleas, should not exceed one or two hundred dollars, and by taking away the right of appeal in chancery cases, when the matter in controversy did not exceed a like sum.

Since the receipt of the communication from the committee, it has not been in the power of the undersigned, to draw up a plan for holding courts, provided the State should be divided into two circuits. To do it would require great consideration. But if it can be done during the contemplated stay of the undersigned in the city, it will be furnished with pleasure.

Very respectfully,

E. LANE,
R. WOOD,
P. HITCHCOCK,
F. GRIMKE.

January 1, 1841.

On motion of Mr. Wade,

The report and accompanying communication from the Judges of the Supreme Court, were laid upon the table.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was referred the petition of the directors of the Zanesville and Maysville Turnpike Road Company, made the following report, accompanied by a bill (S. No. 49,) to amend the act entitled, an act to incorporate the Zanesville and Maysville Turnpike Road Company, passed March 7, 1836; which was read the first time.

The standing committee on Railroads and Turnpikes, to which was referred the petition of the directors of the Zanesville and Maysville turnpike road company, report—

That the petitioners ask of the legislature three distinct propositions:—

First. That a law may be passed authorizing the company to appropriate the tolls arising from the stock of the state, in payment of the debts of the company; and also to finish such portions of the road as now remain unfinished.

Secondly. That the 11th section of the act incorporating said company, may be so amended as to allow said company to take toll on any completed portion of said road, not less than three miles; also, to take half the authorized rates of toll on the graded portion of said road, for any distance not less than five miles.

Third. That the first and second sections of the act entitled “an act to amend an act entitled, ‘an act for the regulation of turnpike companies,’ passed February 8th, 1826,” may be repealed.

Relative to the first proposition of the petitioners, the committee find that the state have subscribed to said turnpike road 292,850 dollars. By the report of the Auditor of State, it appears that 276,215 dollars and 97 cents of this subscription has been paid to said company, leaving 16,634 dollars and 3 cents

still due from the state to the company. These subscriptions were made, as the committee suppose, previous to the repeal of the law authorizing a subscription by the state to the capital stock of such companies; and, therefore, agreeably to the provisions of that law, the balance must be eventually paid. The request that the petitioners now make, is, that by authority of the state, they may be allowed to apply the tolls arising from the expenditure of the money thus paid by the state—first, to pay the existing debts of the company; and, secondly, to extend and to finish those portions of the road not yet completed.

If a measure of this kind were to be adopted, the effect of it would be to withhold from the treasury of the state the whole amount of the tolls due from said company to the state, and applying the same to pay the debts of the very company from which the tolls are thus due to the state. Or, in other words, a measure of this kind would be equivalent to making a direct appropriation from the state treasury to pay the debts of a turnpike company; and, that, too, to one to which the state has already given the sum of 276,215 dollars and 97 cents. Carry out the principle, and the state may as well appropriate money to pay the debts of any other company which has contracted liabilities beyond its means to pay. Let the principle be extended but one step further, and the state must assume and pay the debts of any individual, or association of individuals, who choose to petition the legislature for that purpose; and, the remaining portion of the people must be taxed, to raise the money.

The remaining part of the first proposition of the petitioners is, that said company may be allowed to apply the tolls of the state to the extension and completion of the road.

The tolls arising from the state stock in said company, or any other company of the kind, is so much revenue coming into the treasury, and is applied, by law, to pay the interest on the public debt; a part of which debt has been contracted to pay the stock in these roads, and ought not, therefore, to be withdrawn, or applied to any other purpose. To grant the prayer of petitioners in this respect, would be no different in principle from making direct appropriations from the treasury of the state to finish this road; and if this, then of course, all other roads of the kind in the state, whenever the companies have become unable, or unwilling to complete their roads themselves. It would have been better that the "*Plunder Act*" itself, should have remained in force; then they could not have asked the state to do but half.

The committee believe that the policy of the state relative to that law, or any further appropriations of that kind, was settled by the almost unanimous voice of the people, which caused the repeal of that act. For these, and many other reasons which

might be offered, the committee are decidedly of the opinion that the prayer of the petitioners, on their first proposition, ought not to be granted.

As to the repeal of the act, asked for in the third proposition of the petitioners, the committee need only say, that bill, No. 1, of the Senate, was introduced for that purpose. That bill has passed this body, and is now before the other branch of the legislature, for its action; consequently, no further action, on the part of the Senate, upon that subject, is necessary.

The second part of the prayer of the petitioners, embraces two propositions,—first: that the act incorporating said turnpike company may be so amended as to authorize said company to erect gates, and take half toll on any portion not less than five miles, when the same shall be graded. Upon this point, the committee being somewhat divided in opinion, and the policy or propriety of allowing the company this privilege; being at least doubtful, the committee do not report a bill.

Upon the other branch of the second proposition, the committee are of the opinion that it is right and just that the stockholders should be in the receipt of some returns for the money which they have expended in the construction of the road; and believing, that when any five continuous miles of the same are completed, the benefit to the traveling public will be such that justice would require that a proportionate rate of toll should be paid, and, for that purpose, the committee report a bill.

On motion of Mr. Mitchell,

The report was laid upon the table.

Mr. Holmes moved that the Senate adjourn; on which motion,

Mr. Stanton demanded the yeas and nays, which being ordered, were, yeas 20, nays 15, as follows:

Yeas—Messrs. Bartley, Clark, Crowell, Foos, Godman, Harris, Hazeltine, Henderson, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Sill, Thomas, Wade, Waddle, and Walton—20.

Nays—Messrs. Aten, Barnett, Dewey, Ford, Goodin, Latham, Nash, Perkins, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, and Speaker—15.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

FRIDAY, JANUARY 7, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented a remonstrance from 51 citizens of New Lisbon, in the county of Columbiana, against any alteration or amendment of the act incorporating said borough; which was

Referred to the standing committee on Corporations.

Mr. Goodin presented a remonstrance from Azac Eaton, of the county of Seneca, against the prayer of Eleanor Eaton for a divorce; which was

Referred to the standing committee on the Judiciary.

Mr. Goodin, also, presented a petition from citizens of the county of Hancock, for the passage of a law authorizing the county commissioners, of said county, to assess additional taxes for bridge purposes; which was

Referred to a select committee of one, and Mr. Goodin appointed that committee.

Mr. Aten presented a remonstrance from 30 citizens of St. Clair township, in the county of Columbiana, against any division or dismemberment of said county; which was laid on the table.

Mr. Root, from the select committee on that subject, reported a bill (S. No. 50) further to amend the act entitled, "an act to incorporate the town of Milan," passed February 23, 1833; which was read the first time.

Mr. Stanton, from the select committee on that subject, reported a bill (S. No. 51) to change the name of Theodore Oliver; which was read the first time.

The following bill of the House was read the second time, and re-committed to the standing committee on the Judiciary, to wit:

H. No. 29; A bill to divorce Annas Whitaker from his wife Phebe Whitaker.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

H. No. 42; A bill to incorporate the First Congregation of Disciples, in Norton, Summit county;

H. No. 43; A bill to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Julianna Crow, Joseph L. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow;

H. No. 45; A bill to incorporate the Evangelical Christian Church of Anheim;

S. No. 49; A bill to amend the act entitled, "an act to incorporate the Zanesville and Maysville turnpike road company," passed March 7, 1836.

The following bills of the House were read the third time and passed, to wit:

H. No. 28; An act to vacate part of the town of Dingmansburg, in the county of Shelby;

H. No. 35; An act to incorporate the Western Fire Engine and Hose Company of Cincinnati.

The following bill of the Senate was read the third time and passed, to wit:

S. No. 44; An act to incorporate the Presbyterian Society, of the town of Ashland, Richland county.

Ordered, That their titles be as aforesaid, and that the House of Representatives be informed thereof.

The following bill of the Senate was read the third time, and laid on the table, to wit:

S. No. 21; A bill to incorporate the Jackson Steam Mill Company.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 46; A bill to incorporate the Mechanics' Institute of Urbana;

H. No. 49; A bill to incorporate the First Christian Church, in the town of Greenville, in the county of Darke.

The House has agreed to the Senate amendment to the House resolution in relation to specie payments.

The House has agreed to the following resolutions of the Senate:

A resolution, in relation to specie payments by the banks, to be forwarded to the Legislature of the State of Illinois;

A resolution, in relation to specie payments by the banks, to be forwarded to the Legislature of the State of Kentucky;

A resolution, in relation to specie payments by the banks, to be forwarded to the Legislature of the State of Michigan.

The House has agreed to the following resolutions of the Senate with four amendments, to which the concurrence of the Senate is requested:

A resolution, in relation to specie payments by the banks, to be forwarded to the Legislature of the State of Virginia.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

The Senate agreed to the first amendments of the House to the Senate resolution in relation to specie payments in Virginia, and disagreed to the two last.

On motion of Mr Stanton,

The Senate took up Senate bill No. 27, fixing the times of holding the Supreme Court, for the year 1842.

The question recurring on the passage of the bill,

The bill passed.

Mr. Hostetter move that the Senate adjourn until Monday morning, at ten o'clock; on which motion,

Mr. Perkins demanded the yeas and nays; which resulted in yeas 9, nays 24, as follows, to wit:

Yeas—Messrs. Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, Ream, Ritchey, and Taylor—9.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Goodin, Latham, McConnell, Nash, Perkins, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton, and Speaker—24.

So the Senate refused to adjourn.

Mr. Goodin offered a resolution in relation to going into an election for two Associate Judges, for the county of Hancock; which was laid on the table.

Mr. Root moved that the Senate adjourn until Monday morning, at ten o'clock; on which motion,

Mr. Hostetter demanded the yeas and nays; which being ordered, were—yeas 18, nays 15, as follows, to wit:

Yeas—Messrs. Clark, Godman, Harris, Holmes, Hostetter, Leonard, Mitchell, Nash, Ream, Ritchey, Root, Sill, Spangler, Taylor, Thomas, Wade, Waddle, and Walton—18.

Nays—Messrs. Aten, Barnett, Bartley, Dewey, Ford, Foos, Goodin, Hazeltine, Latham, McConnell, Perkins, Robbins, Stanton, Van Vorhes, and Speaker—15.

So the Senate adjourned until Monday morning, at ten o'clock.

Attest:

THOMAS J. MORGAN, *Clerk*.

MONDAY, JANUARY 10, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented a remonstrance signed by 246 citizens, of the county of Columbiana, against any division or dismemberment of said county; which was laid on the table.

Mr. Goodin presented a petition from sundry citizens, of the county of Seneca, praying an amendment to the law, so as to allow a *quo warranto* to be filed against the Mad River and Lake Erie Railroad Company, in any county where said company may pay out or put afloat their fraudulent shipplasters; which was

Referred to the standing committee on the Judiciary.

Mr. Sill presented a petition from 34 citizens, of Tallmadge, in the county of Summit, for the enactment of a law authorizing an appropriation of a portion of the proceeds of the school fund for the purchase of school district libraries; which was

Referred to the standing committee on Schools and School Laws.

Mr. Spangler presented a petition from citizens, of the town of Amanda, in the county of Fairfield, for an act amendatory to the act incorporating the Circleville and Washington Turnpike Road Company; which was

Referred to the standing committee on Railroads and Turnpikes.

Mr. Dewey presented a memorial of the Friends' Yearly Meeting, of Mt. Pleasant, Ohio, asking for the repeal of the act to regulate black and mulatto persons; which was

Referred to the standing committee on the Judiciary.

Mr. Spangler presented a petition from citizens, of the county of Pickaway, for the passage of a law in relation to black and mulatto persons giving bonds according to law; which was
Referred to the standing committee on the Judiciary.

Mr. McConnell presented a petition from citizens, of York township, in the county of Morgan, praying for the restoration of Leonard L. Bush to the rights of a citizen, lost by his conviction of crime; which was

Referred to a select committee of one, and Mr. McConnell appointed that committee.

Mr. Crowell presented a petition from the President, Directors, and Company of the Western Reserve Bank, praying for the renewal of the charter of said bank; which was

Referred to the standing committee on the Currency.

Mr. Crowell, also, presented a petition from citizens, of the county of Trumbull, praying for the passage of a law to punish thefts committed on orchards, and for other purposes; which was

Referred to the standing committee on the Judiciary.

The Speaker presented a communication from the Adjutant General in reply to a resolution of the Senate; which was laid on the table.

(See Vol. of Public Documents, No. 29.)

The Speaker, also, presented the Annual Report of the Directors and Superintendent of the Ohio Asylum for the Blind; which was laid on the table.

(See Vol. of Public Documents, No. 41.)

Mr. Taylor presented the proceedings of a public meeting, held in Newark, in relation to any further contraction of debt by the State.

Mr. Walton moved that the proceedings be laid on the table, and the printing of them dispensed with.

Mr. Taylor called for a division of the question, and it turning on laying the proceedings on the table,

Mr. Bartley called for the yeas and nays; which were ordered, and were—yeas 19, nays 15; as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Stanton, Taylor, Walton, and Speaker—19.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Robbins, Root, Sill, Thomas, Van Vorhes, Wade, and Waddle—15.

So the Senate decided that the proceedings should be laid on the table; and the question recurring on dispensing with the printing of them.

Mr. Taylor demanded the yeas and nays; which were ordered, and were—yeas 8, nays 25, as follows, to wit.

Yeas Messrs. Aten, Harris, Hazeltine, Holmes, Hostetter, Mitchell, Ream, and Taylor—8.

Nays—Messrs. Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton, and Speaker—25.

So the Senate ordered the printing to be dispensed with.

Mr. Thomas presented the proceedings of a public meeting, of the citizens of the county of Shelby, in relation to the extension of the Miami Canal.

Mr. Taylor moved that the proceedings of the meeting be laid on the table, and the printing dispensed with; on which motion, he demanded the yeas and nays.

Mr. Taylor called for a division of the question, and it turning on laying the proceedings on the table, was decided in the negative, yeas 8, nays 26, as follows, to wit:

Yeas—Messrs. Harris, Hazeltine, Holmes, Hostetter, Mitchell, Ream, Taylor, and Speaker—8.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Walton—26.

The proceedings of the meeting were then referred to the standing committee on Canals.

Mr. Crowell presented the Fifth Annual Report of the Pennsylvania and Ohio Canal Company; which was laid on the table.

(See Vol. of Pub. Doc. No. 38.)

Mr. Latham presented a petition from citizens of Bourneville, praying for an act to incorporate said town; which was

Referred to a select committee of one, and Mr. Latham appointed that committee.

Mr. Goodin, from the select committee on that subject, reported a bill (S. No. 52) authorizing the commissioners of Hanceck county to assess an additional tax for bridge purposes; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 50; A bill further to amend the act entitled "an act to incorporate the town of Milan," passed February 23, 1833;

S. No. 51; A bill to change the name of Theodore Oliver;

H. No. 46; A bill to incorporate the Mechanics' Institute of Urbana;

H. No. 49; A bill to incorporate the First Christian Church, in the town of Greenville, in the county of Darke.

Mr. Latham gave notice that on to-morrow, or some other day of the session, he would ask leave to introduce a bill to amend "an act to incorporate the Portsmouth Dry Dock and Steam Basin Company," passed March 9, 1839.

Mr. Godman gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the First Presbyterian Church, of Grand, Marion county.

Mr. Holmes, agreeably to previous notice, introduced a bill (S. No. 53,) declaring the forfeiture of charters for nonuser, and their subjection to the will of the Legislature; which was read the first time.

On motion of Mr. Spangler,

The Senate took up the report of the Warden and Directors of the Ohio Penitentiary.

On motion of Mr. Spangler,

So much thereof as relates to the murder of Sells, by one of the prisoners, and so much as relates to the transportation of prisoners, was

Referred to the standing committee on the Judiciary;

And the balance thereof was

Referred to the standing committee on the Penitentiary.

On motion of Mr. Taylor,

The Senate took up the report of the select committee on Unfinished Business.

On motion of Mr. Taylor,

So much of said report as refers to the petition of Thomas White, praying for a remuneration of losses sustained on sections 22 and 23 of the Ohio canal, on the Portage Summit, together with the accompanying papers, was

Referred to the committee on Claims,

On motion,

The Senate took up the resolution providing for the election of Associate Judges in various counties.

On motion of Mr. Crowell,

The resolution and pending amendments were again laid upon the table.

On motion of Mr. Stanton,

The Senate resolved itself into committee of the whole, Mr. McConnell in the chair, on Senate bill No. 47, to incorporate the Toledo Commercial Company, at Toledo, in the county of Lucas, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Clark,

The bill was recommitted to the standing committee on Corporations.

Mr. Ritchey, on leave, presented the memorial of Owen Martin; which,

On motion,

Was laid upon the table.

Mr. Bartley offered for adoption the following resolution; which was agreed to:

Resolved by the Senate and House of Representatives, That the two Houses of the General Assembly meet in the Hall of the House of Representatives, at the hour of three o'clock, P. M., on Tuesday the 11th day of January, instant, for the purpose of electing one Supreme Judge to fill the vacancy occasioned by the expiration of the term of the Hon. Peter Hitchcock.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Perkins in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills without amendment.

S. No. 48; A bill for the relief of John McCoy;

Recommitted to the standing committee on the Judiciary.

S. No. 49; A bill to amend the act entitled "an act to incorporate the Zanesville and Maysville Turnpike Road Company," passed March 7, 1836.

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Nash in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, and asked leave to sit again on House bill No. 11.

H. No. 42; A bill to incorporate the First Congregation of Disciples, in Norton, Summit county, without amendment;

Recommitted to the standing committee on Corporations.

H. No. 43; A bill to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Julianna Crow, Joseph L. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow, without amendment;

Recommitted to the standing committee on Agriculture, Commerce and Manufactures.

H. No. 45; A bill to incorporate the Evangelical Christian Church of Arnheim, without amendment;

Recommitted to the standing committee on Corporations.

H. No. 46; A bill to incorporate the Mechanics' Institute of Urbana, without amendment;

Recommitted to the standing committee on Corporations.

H. No. 49; A bill to incorporate the First Christian Church, in the town of Greenville, in the county of Darke, without amendment;

Recommitted to the standing committee on Corporations.

H. No. 11; A bill to establish, permanently, the seat of justice for Summit county.

On motion of Mr. Crowell,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

TUESDAY, JANUARY 11, 1842.

The Senate met pursuant to adjournment.

Mr. Mitchell presented a petition from citizens of the county of Jefferson, asking for the passage of a General Banking Law; which was

Referred to the standing committee on the Currency.

Mr. Clark presented a petition from citizens of the county of Lucas, for the sale of section 16, in township 7, north, range 8, east, in said county; which was

Referred to a select committee of one, and Mr. Clark appointed that committee.

Mr. Van Vorhes presented a petition from Thomas Davis, praying for a divorce from his wife; which was

Referred to the standing committee on the Judiciary.

Mr. Van Vorhes, also, presented a petition from the Auditor of the county of Athens, for authority to transcribe certain records, and to make the same, evidence in all cases wherein the originals would have been proper evidence; which was

Referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Perkins presented a memorial from a portion of the Indiana yearly meeting of Friends, praying for the repeal of certain laws relating to the disabilities of colored people; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes presented a remonstrance from citizens of Columbus township, in the county of Hamilton, against the erection of a new township out of parts of the townships of Columbus and Symmes, in said county; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes, also, presented a petition from J. B. Purcell, Catholic Bishop, of Cincinnati, and other persons, praying for an act of incorporation for St. Xavier College in Cincinnati; which was

Referred to a select committee of one, and Mr. Holmes appointed that committee.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was referred the petition of citizens of Adams county, made the following report; which,

On motion of Mr. Robbins,

Was laid on the table:

The standing committee on Railroads and Turnpikes, to whom was referred the petition of citizens of Adams county, have had the same under consideration, and report:

The principal and only complaint of the petitioners is, that the gates on the Zanesville and Maysville Turnpike road company, are placed near the villages on said road; in consequence of which the inhabitants of these villages are obliged to pay tolls when they only travel said road the distance of one or two miles. The committee find, by an examination of the act of incorporation, that the said company are authorized to place gates on every ten miles, and demand tolls at a certain rate fixed in said act, and also a proportionate rate for any less distance. The petitioners do not set forth, in their petition, that there has been any assumption of power on the part of the company, or that there has been any illegal tolls taken, or that they have been compelled to pay any more tolls than a due proportion for the distance they travel the road, but they complain that the gates are between their place of residence and their woodlands, and pastures, &c., and they therefore pray the legislature that the gates may be removed, that they may be permitted to use so much of the road without paying any toll. Without undertaking to discuss the question, whether the legislature has the right to interfere, and, by enactment, say at what place a turnpike company may, and what place it may not, put a gate, it appears to the committee, that the evils which would naturally grow out of such a measure should deter the legislature from any action of the kind. There are now twenty six turnpike roads in the State, in which the state is a stockholder, besides numerous others; gates must be placed somewhere, and wherever they shall be put up, they will, of course, more or less incommode the neighborhood in which they are; and if the legislature shall undertake to act the part of an umpire between the company and the complainants, it will soon occupy no small portion of its time. The complaint of the petitioners seems, to the committee, not to be well founded in justice. The construction of the road, if beneficial to any portion of the community, must be particularly beneficial to the people of the villages, inasmuch as such roads increase the facility of transportation and travel, and, consequently, the business of the principal places must be increased. Besides, if the people of the villages desire, as is set forth in the petition, to use the road for a communication between them-

selves and their woodlands, the committee do not see why they should not pay toll, in proportion to the miles traveled, as well as the farmer for the greater distance he travels the road, to carry his produce to market. This question was mooted, relative to the National Road, in the Legislature. That road was placed in the hands of the Board of Public Works—that board placed the gates where it was judged best for the interests of the road, only taking care that there should be no more than were allowed by law. Complaints arose of the same kind as those set forth in the memorial of the petitioners, but the Legislature then decided, that it was impolitic to interfere in the matter. The committee are of the opinion, that the Legislature should not interfere in the present case, and therefore recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. Hazeltine, from the standing committee on Agriculture, Commerce and Manufactures, to which was recommitted House bill No. 43, to change the name of Joseph Crow, Charlotte, Crow, Solomon Crow, Caroline P. Crow, Julianna Crow, Joseph S. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow, made the following report:

The standing committee on Agriculture, Manufactures and Commerce, to which was referred House bill, No. 43, to change the name of sundry Crows, have had the same under consideration, and now report:

Tho' wise, your committee pretend not to know,
How changing the *name* can alter the *Crow*;
But yet we are glad, if by passing a law,
Should it not change the *birds*, it will stop their "*caw! caw!*"
Then, for this sole object, and no other view,
We do recommend that this bill be pushed through;
And the roor of much evil must pay the expense
Of this short report, and roor out *his* defence.

On motion of Mr. Root,

The report was laid on the table.

Mr. Holmes, from the standing committee on Corporations, to which they had been recommitted, reported back the following bills:

H. No. 45; A bill to incorporate the Evangelical Christian Church of Arnheim, Brown county, with one amendment; which was agreed to, and the bill

Ordered to its third reading on to-morrow.

H. No. 49; A bill to incorporate the First Christian Church, in the town of Greenville, in the county of Darke, with one amendment; which was agreed to, and the bill

Ordered to its third reading on to-morrow.

10—S. J.

H. No. 42; A bill to incorporate the First Congregation of Disciples, in Norton, Summit county, without amendment.

Ordered, to its third reading on to-morrow.

Mr. Aten, from the select committee on that subject, reported a bill (S. No. 54,) further to amend the act entitled an act to incorporate the town of Salem, in Columbiana county; which was read the first time.

Mr. McConnell, from the select committee on that subject, reported a bill (S. No. 55,) to restore Leonard L. Bush to his legal rights and privileges; which was read the first time.

Mr. Goodin, agreeably to previous notice, introduced a bill (S. No. 56,) to lay out and establish a State road in the counties of Hancock and Hardin; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 52; A bill authorizing the Commissioners of Hancock county to assess an additional tax for bridge purposes;

S. No. 53; A bill declaring the forfeiture of charters for nonuser, and their subjection to the will of the legislature.

The following bill of the Senate was read the third time and passed, to wit:

S. No. 49; An act to amend the act entitled "an act to incorporate the Zanesville and Maysville Turnpike Road Company," passed March 7, 1836.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 86; A bill to authorize the Commissioners of Clarke county to subscribe to the capital stock of the Little Miami Railroad Company;

H. No. 87; A bill to authorize the Fund Commissioners of Hamilton county to purchase certain real estate.

Attest:

GID. M. AYRES, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 78; A bill further to amend the act entitled, "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816; and, also, further to amend the act entitled, "an act to amend an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816," passed February 16, 1838; and, also, further to amend the act entitled, "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28,

1824; and providing for the appointment of trustees or a trustee, authorized to collect and distribute the assets and effects of companies, associations, or individuals engaged in, or who may have been engaged in, or carrying on, any unauthorized banking in this State;

H. No. 79; A bill to relieve the supreme court of the State of Ohio from serving as Bank Commissioners;

H. No. 80; A bill for the relief of Robert Willet;

H. No. 81; A bill to authorize the commissioners of the county of Hancock, to levy a tax for the purpose of building two bridges across Blanchard's Fork of the Auglaize River;

H. No. 82; A bill to authorize the commissioners of Delaware county to correct the duplicate of valuation of real property in the said county, under the act of March 13, 1840;

H. No. 83; A bill relating to roads and highways, in Zanesville township, in the county of Muskingum, and providing for the performance of the duties of supervisors in said township;

H. No. 84; A bill to provide for the revaluation of section twenty-nine, in Union township, Butler county;

H. No. 85; A bill to incorporate the Grand Lodge of Ohio.

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution admitting Benjamin F. Locke into the Ohio Institution for the Blind.

Attest:

Geo. M. Ayers, Clerk.

On motion of Mr. Root,

The resolution of the House was referred to the standing committee on Public Institutions.

Message from the House of Representatives,

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 86; A bill to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company;

H. No. 87; A bill to authorize the Fund Commissioners of Hamilton county to purchase certain real estate.

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution in relation to forwarding collated statutes to the clerk of the court of Darke county.

Attest:

Geo. M. Ayers, Clerk.

The resolution was referred to a select committee of one; and Mr. Thomas was appointed said committee.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole Senate, Mr. Nash in the chair, and resumed the consideration of the bill, (S.

No. 11,) to establish permanently the seat of justice of Summit county; and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Sill,

The bill was recommitted to the standing committee on New Counties.

Mr. Godman, agreeably to previous notice, introduced the following bill, which was read the first time, to wit:

S. No. 57; A bill to incorporate the First Presbyterian Church of Grand, Marion county.

Mr. Holmes offered for adoption the following resolution, which was agreed to:

Resolved by the Senate and House of Representatives, That five thousand extra copies of the annual report of the Directors and Warden of the Ohio Penitentiary, be printed for the use of the members of this General Assembly, and four hundred copies for the use of the directors and warden.

Mr. Mitchell offered for adoption, a resolution relating to furnishing the clerk of the court of Carroll county with certain volumes of the Ohio Reports.

On motion,

The resolution was referred to a select committee of one, and Mr. Mitchell was appointed said committee.

On motion of Mr. Holmes,

The Senate resolved itself into committee of the whole, Mr. Ream in the chair, and there being no business, the committee rose and reported the same.

On motion of Mr. Holmes,

The Senate took up the resolution providing for the election of one Supreme and one President Judge.

Mr. Taylor moved to strike out "one President Judge of the 14th Judicial Circuit," and, on that motion,

Mr. Bartley demanded the yeas and nays, which were ordered, and were, yeas 13, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Nash, Perkins, Stanton, Taylor, Thomas and Waddle—13.

Nays—Messrs. Aten, Crowell, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Van Vorhes, Wade, Walton and Speaker—20.

So the motion did not prevail.

Mr. Hazeltine moved to amend the resolution by inserting Thursday afternoon, at three o'clock, instead of Wednesday afternoon, at three o'clock; which amendment was agreed to.

The question recurring on the passage of the resolution,

Mr. Hazeltine demanded the yeas and nays, which were ordered, and were, yeas 14, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Robbins, Spangler and Speaker—14.

Nays—Messrs. Barnett, Bartley, Crowell, Dewey, Ford, Foos, Godman, McConnell, Nash, Perkins, Ritchey, Root, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Walton—19.

Mr. Wade moved that the Senate adjourn,

On which motion,

Mr. Perkins demanded the yeas and nays, which being ordered, were, yeas 11, nays 22, as follows, to wit:

Yeas—Messrs. Ford, Foos, Godman, Harris, Leonard, Nash, Root, Thomas, Wade, Waddle and Speaker—11.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Van Vorhes and Walton—22.

So the motion did not prevail.

Mr. Bartley moved to take up Senate bill No. 18, "securing the benefits of the writ of habeas corpus, and repealing all laws heretofore passed on that subject," and, on his motion, demanded the yeas and nays, which were ordered, and were, yeas 20, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Ford, Godman, Goodin, Holmes, Hostetter, Latham, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Stanton, Taylor, Van Vorhes, Wade and Speaker—20.

Nays—Messrs. Barnett, Crowell, Dewey, Foos, Harris, Hazeltine, Leonard, Mitchell, Nash, Spangler, Thomas, Waddle and Walton—18.

So the bill was taken up.

The question then recurring on ordering the bill to be engrossed for its third reading, the yeas and nays being demanded, were ordered, and were, yeas 13, nays 20, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Dewey, Ford, Godman, Goodin, Harris, Hazeltine, Ritchey, Root, Taylor and Wade—13.

Nays—Messrs. Aten, Barnett, Foos, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Robbins, Spangler, Stanton, Thomas, Van Vorhes, Waddle, Walton and Speaker—20.

So the Senate refused to order the bill to be engrossed.

Mr. Holmes offered for adoption the following resolution, to wit:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly meet in the Hall of the House of Representatives on Thursday, the 13th instant, at 3 o'clock, P. M., for the purpose of electing one Judge of the Supreme Court of Ohio.

Mr. Leonard moved to amend the resolution by adding, "and one President Judge of the 14th Judicial Circuit of Ohio," on which motion the yeas and nays, being demanded, were ordered, and were, yeas 21, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Crowell, Dewey, Godman, Goodin, Harris, Hostetter, Latham, Leonard, Mitchell, Nash, Perkins, Ream, Robbins, Root, Spangler, Stanton, Thomas, Van Vorhes and Speaker—21.

Nays—Messrs. Bartley, Clark, Ford, Foos, Hazeltine, Holmes, McConnell, Ritchey, Taylor, Wade, Waddle and Walton—12.

So the amendment was adopted.

Mr. Taylor moved that the further consideration of the resolution be indefinitely postponed, on which motion, the yeas and nays, being demanded, were ordered, and were, yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Crowell, Dewey, Ford, Foos, Godman, Nash, Root, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Walton—16.

Nays—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler and Speaker—17.

So the motion to postpone did not prevail.

The question then recurring on the adoption of the resolution,

Mr. Taylor demanded the yeas and nays, which were ordered, and were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Robbins, Spangler and Speaker—17.

Nays—Messrs. Barnett, Bartley, Crowell, Dewey, Ford, Foos, Godman, Nash, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Walton—17.

So the resolution was not agreed to.

Mr. Nash moved that the Senate adjourn, on which motion,

Mr. Leonard demanded the yeas and nays, which were ordered, and were, yeas 10, nays 23, as follows, to wit:

Yeas—Messrs. Clark, Crowell, Dewey, Ford, Foos, Godman, Nash, Sill, Thomas and Waddle—10.

Nays—Messrs. Aten, Barnett, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, Wade, Walton and Speaker—23.

So the Senate refused to adjourn.

Mr. Leonard moved a reconsideration of the vote on the resolution to go into an election of a Judge of the Supreme Court; on which motion, he demanded the yeas and nays, which were ordered, and were, yeas 14, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Ritchey, Robbins, Spangler and Walton—14.

Nays—Messrs. Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foss, Godman, McConnell, Nash, Perkins, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—20,

So the Senate refused to reconsider its vote.

Mr. McConnell moved that the Senate adjourn, on which motion,

Mr. Perkins demanded the yeas and nays, which were ordered, and were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Clark, Crowell, Dewey, Ford, Foss, Godman, McConnell, Nash, Sill and Walton—10.

Nays—Messrs. Aten, Barnett, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—24.

So the Senate refused to adjourn.

The Speaker of the Senate signed the following enrolled acts, to wit:

H. No. 1; An act to incorporate the First Christian Church, of Paint Creek, in Gasper township, Preble county;

H. No. 13; An act to incorporate Jefferson Lodge, No. 6, of the Independent Order of Odd Fellows, of Steubenville, Ohio;

H. No. 17; An act to incorporate the First Regular Baptist Church of Lowell, Washington county;

H. No. 22; An act to incorporate Perry Engine Company, No. 1, of Massillon, Stark county, Ohio;

H. No. 23; An act to incorporate the First Baptist Church, of Amherst, in Lorain county;

H. No. 30; An act making temporary appropriations for certain purposes;

H. No. 33; An act to incorporate the Cincinnati Society for mutual relief;

Mr. Barnett presented memorials from citizens of St. Marys and vicinity, upon the subject of the Miami Canal Extension; which,

On motion of Mr. Barnett,

Was referred to a select committee of three, with leave to report a project for the completion of the Wabash and Erie canal, and also the Miami Extension; and

Messrs. Barnett, Clark and Thomas, were appointed said committee.

Mr. Holmes offered sundry resolutions in relation to an investigation into the affairs and condition of the several Railroad Companies in this state, that have claimed and received a loan of credit from the state under the act of 1837; which,

On motion,

Were referred to the standing committee on Railroads and Turnpikes.

Mr. Wade moved that the Senate adjourn; on which motion,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crewell, Dewey, Ford, Hazeltine, Ritchey, Sill, Stanton, Taylor, Wade and Waddle—12.

Nays—Messrs. Aten, Barnett, Foos, Godman, Harris, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Robbins, Root, Spangler, Thomas, Van Vorhes, Walton and Speaker—21.

So the Senate refused to adjourn.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 88, A bill to authorize the sale of school section sixteen, in Jackson township, in the county of Hancock;

H. No. 89; A bill to change the name of the Wardens and Vestrymen of the Parish of All Souls, in the town of Springfield, and county of Clark;

H. No. 90; A bill to lay out and establish a graded State road in the counties of Knox and Coshocton;

H. No. 91; A bill to incorporate the town of South Solon in the county of Madison;

H. No. 92; A bill making special provisions for the sale of section 29, in Mill Creek township, Hamilton county;

H. No. 93; A bill to vacate a certain State road in Delaware county;

H. No. 94; A bill to alter certain school districts, in Bucyrus township, in the county of Crawford;

H. No. 95; A bill to authorize the sale of school section number sixteen, in Union township, in the county of Putnam;

H. No. 96; A bill to authorize the sale of school section sixteen, in Union township, in the county of Hancock;

H. No. 97; A bill to lay out and establish a State road in the counties of Hardin, Marion and Union;

H. No. 98; A bill for the relief of Michael Dumbroff;

H. No. 99; A bill making special disposition of the three per cent. fund in the county of Delaware;

H. No. 100; A bill to incorporate the Hook and Ladder Company, of Hudson, in the county of Summit.

The House has receded from its amendment to the Senate resolution, in relation to specie payments to be forwarded to the legislature of Virginia.

Attest:

GID. M. AYRES, Clerk.

Mr. Bartley moved that the Senate adjourn; on which motion,

Mr. Wade demanded the yeas and nays, which, being ordered, were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Harris, Hazeltine, Holmes, Nash, Sill, Taylor, Waddle and Speaker—10.

Nays—Messrs. Aten, Barnett, Crowell, Dewey, Ford, Foos, Godman, Goodin, Hostetter, Latham, Leonard, Mitchell, McConnell, Per-

kins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Thomas, Van Vorhes, Wade and Walton—24.

So the Senate refused to adjourn.

Mr. Perkins offered a resolution providing for the future meeting of the Senate at 9 A. M., and 2 P. M.

Mr. Dewey moved that the Senate adjourn; on which motion,

Mr. Godman demanded the yeas and nays, which, being ordered, were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Clark, Crowell, Dewey, Foos, Harris, Hazeltine, Holmes, Mitchell, Ritchey, Sill, Taylor and Speaker—12.

Nays—Messrs. Aten, Barnett, Bartley, Godman, Goodin, Hostetter, Latham, Leonard, McConnell, Nash, Perkins, Ream, Robbins, Root, Spangler, Stanton, Thomas, Van Vorhes, Wade and Walton—20.

So the Senate refused to adjourn.

Mr. Hazeltine moved that the Senate adjourn until to-morrow morning at nine o'clock.

Mr. Thomas moved that the Senate adjourn until to-morrow morning at eleven o'clock.

The question occurring on Mr. Thomas' motion, the yeas and nays were demanded, and were, yeas 7, nays 27, as follows, to wit:

Nays—Messrs. Bartley, Crowell, Hazeltine, Sill, Thomas, Waddle and Speaker—7.

Nays—Messrs. Aten, Barnett, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, Wade and Walton—27.

So the Senate refused to adjourn over until to-morrow morning at eleven o'clock.

On motion of Mr. Taylor,

The Senate adjourned.

Attest;

THOMAS J. MORGAN, *Clerk*.

WEDNESDAY, JANUARY 12, 1842.

The Senate met pursuant to adjournment.

Mr. Crowell presented a petition from citizens of the county of Trumbull, against erecting a new county, any portion of which shall be taken from the county of Trumbull; which was laid on the table.

Mr. Goodin presented a petition from citizens of the counties of Han-

cock and Hardin, praying for a graded State road from Perrysburg to Bellefontaine; which was

Referred to a select committee of one, and Mr. Goodin appointed that committee.

Mr. Taylor presented a petition, with the accompanying papers, from Hannah J. Herrick for divorce; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes presented a remonstrance signed by 70 citizens of Columbia township, in the county of Hamilton, against the erection of a new township out of parts of the townships of Symmes and Columbia, in said county; which was

Referred to the standing committee on the Judiciary.

Mr. Ford presented a petition from citizens of Cleveland, for the passage of an act amending the charter of that city; which was

Referred to a select committee of one, and Mr. Ford appointed that committee.

Mr. Thomas presented a petition for the erection of the new county of Wabash; which was

Referred to the standing committee on New Counties.

Mr. Clark presented a petition from citizens of the county of Lucas, for the appointment of Commissioners to lay out and establish a State road from Toledo to intersect with a State road running through the northern part of the state of Indiana; which was

Referred to a select committee of one, and Mr. Clark appointed that committee.

Mr. Holmes, from the standing committee on Corporations, to which was referred the bill (H. No. 46,) to incorporate the Mechanics' Institute of Urbana, reported the same back with one amendment; which was agreed to, and the bill

Ordered to be read the third time to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, reported a bill (S. No. 58,) declaratory of the forty sixth section of the act entitled "an act relating to wills;" which was read the first time.

Mr. Thomas, from the select committee on that subject, reported back the resolution of the House in relation to the Collated Statutes for the township of Wabash, in the county of Darke, with one amendment; which was agreed to, and the resolution passed.

Mr. Mitchell, from the select committee, to which was referred the resolution of the Senate, calling on the Secretary of State to furnish the clerk of common pleas of Carroll county with certain volumes of the Ohio Reports, reported the following resolution; which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be required to procure and furnish to the clerk of the court of common pleas of Carroll county, for the use of said court, one copy of each of the first five volumes of the Ohio Reports, to be paid for out of his contingent fund.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 54; A bill further to amend the act entitled, an act to incorporate the town of Salem, in Columbiana county.

S. No. 55; A bill to restore Leonard L. Bush to his legal rights and privileges.

S. No. 56; A bill to lay out and establish a state road in the counties of Hancock and Hardin.

S. No. 57; A bill to incorporate the First Presbyterian Church of Grand, Marion county.

The following bills of the House were read the third time and passed, to wit:

H. No. 42; An act to incorporate the First Congregation of Disciples in Norton, Summit county.

H. No. 43; An act to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Julianne Crow, Joseph S. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow.

H. No. 45; An act to incorporate the Evangelical Christian Church of Arnheim, Brown county.

H. No. 49; An act to incorporate the First Christian Church in the town of Greenville, in the county of Darke.

On motion of Mr. Root,

The Senate resolved itself into committee of the whole, Mr. Latham in the chair, on Senate bill No. 52, authorizing the commissioners of Hancock county to assess additional taxes for bridge purposes, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Ritchey,

The Senate took up the memorial of Owen Martin.

On motion of Mr. Ritchey,

The memorial was referred to a select committee of one; and Mr. Mr. Richey was appointed said committee.

On motion of Mr. Clark,

The Senate took up Senate bill No. 20, to authorize the sale of school section sixteen, in Chesterfield township, in the county of Lucas.

The bill having been amended,

The question recurring on ordering the bill to be engrossed for its third reading,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 14, nays 17, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Dewey, Godman, Goodin, Harris, Hazeltime, Hostetter, Leonard, Ream, Robbins, Sill, Taylor, and Speaker—14.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Holmes, Latham, Mitchell, McConnell, Nash, Perkins, Root, Spangler, Stanton, Thomas, Wade, Waddle, and Walton—17.

On motion of Mr. Crowell, it was

Resolved, That the committee on Finance be instructed to inquire

into the expediency of so amending the act granting licenses to peddlers, passed February 14, 1840, as to require the payment of not less than seventy five dollars in all cases, for license to peddlers or traveling merchants.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 42, to enforce the resumption and continuance of specie payments by the banks within the state of Ohio.

Mr. Bartley then offered sundry amendments to the bill.

On motion of Mr. Nash,

Said amendments were laid upon the table and ordered to be printed, together with the bill as amended.

Mr. Holmes offered for adoption the following resolution, which was agreed to.

Resolved, by the Senate and House of Representatives, That both branches of this General Assembly meet in the Hall of the House of Representatives, on Saturday the 15th inst., at 3 o'clock, P. M., for the purpose of electing one judge of the supreme court, one president judge of the 14th judicial circuit, one associate judge for the county of Trumbull, one associate judge for the county of Huron, one associate judge for the county of Pike, one associate judge for the county of Jackson, and two associate judges for the county of Hancock.

Mr. Walton, from the standing committee on the Judiciary, to which had been referred the petition of Thomas Davis for a divorce, on leave, made the following report, which was agreed to:

The committee on the Judiciary, to which was referred the petition of Thomas Davis, of the county of Athens, have had the same under consideration; and submit the following report:

The petition sets forth, in substance, that about the 14th of June, 1839, that Davis was married to Miss Maria Bean, and lived with her in harmony until some time in the summer of 1840, when the said Maria so far forgot the duty she owed her marriage vow, as to be guilty of the crime of adultery. That when this transaction became known, petitioner *still offered* to live with and protect her, but says, that she left him without cause, and has not since returned, notwithstanding, as he says, his conduct to her had always been that of a kind and affectionate husband. Petitioner further says, that he applied to an attorney to prosecute a bill of divorce in the supreme court for Athens county, but was a few days too late to give the legal notice, and will be under the necessity of waiting a year longer, unless we give relief. That he has a large family of children, &c.

To this petition is appended the certificate of F. Burnham, and six others, that they have been acquainted with the petitioner about ten months, and believe him to be a man of good moral character. Affixed, also, are the *ex parte* affidavits of Thomas Davis, jr., and John Davis, children of the petitioner, whose age does not appear by the papers, taken and certified by a squire Love. The first affiant, Thomas, in substance says, that on or about the last of August, 1840, in the morning, about daylight, his father went up to Morefield to work; that

there was no person at home but himself and his three little brothers; that he came down out of the loft on the outside of the house, and came into the house, and saw a man in bed with his step-mother, by the name of John Davis. After he discovered affiant, affiant went out of the house; that then John Davis got out of bed and started home. That about two weeks before that time, affiant saw the same man give her fifty cents, "but can't tell what for." The second affiant, John, says, in substance, that in the month of August, 1840, he was away from home at work, and came home in the evening, and went to tell his step-mother he wanted something to eat, and John Davis was in bed with her; that she got up and got him something to eat; that the next day Davis requested affiant to say nothing about it. These are all the facts, matters, and things worthy of note, set forth in the petition, certificates, affidavits, &c.

The crime of adultery is a good cause for the allowance of a divorce, and with good reason has been, by the legislature of this state, made one, among the numerous causes, giving the supreme court jurisdiction, and upon the finding of which, that court is authorized to decree a dissolution of the bonds of matrimony.

Without adverting to the great danger of relying on *ex parte* affidavits as a rule of evidence, and not desiring to affect the case of the petitioner in the proper tribunal, if he shall think proper to prefer his case there, the committee deem it unnecessary to remark upon the offered testimony of these boys, the sons of the petitioner. But according to the rule laid down by the committee for their action, that in all cases where the supreme court have jurisdiction by the existing laws, the legislature ought not to entertain the applications for divorce; and as the petitioner, by his own showing, is entitled to bring his suit in that court, where, if the facts will justify it, a decree may be had in his favor. Your committee, therefore, offer for adoption the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

Mr. Hazeltine, from the standing committee on New Counties, to which had been referred the remonstrance of 232 citizens, against the erection of a new county out of parts of the counties of Preble, Montgomery, Butler, and Warren, on leave, reported back the same, asked to be discharged from the further consideration thereof, and recommended that the petitioners have leave to withdraw their petition.

The report of the committee was agreed to, and leave was granted accordingly.

Mr. Latham, agreeably to previous notice, introduced a bill (S. No. 59,) to amend the act entitled, "an act to incorporate the Portsmouth-Dry Dock and Steamboat Basin Company," passed 9th March, 1839; which was read the first time.

Mr. Latham, from the standing committee on the Currency, reported a bill (S. No. 60,) to regulate the proceedings and practice under an act providing for the appointment of a Board of Bank Commission-

ers, and for the regulation of banks within the state of Ohio, and the acts amendatory thereto; which was read the first time.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Ritchey in the chair, on Senate bill No. 53, declaring the forfeiture of charters for nonuser, and their subjection to the will of the legislature; and after some time spent in the consideration thereof, the committee rose and reported the same back without amendment.

On motion of Mr. Holmes,

The bill was recommitted to the standing committee on the Judiciary.

Mr. Root moved that the Senate adjourn; on which motion,

Mr. Goodin demanded the yeas and nays, which, being ordered, were, yeas 16, nays 17, as follows:

Yeas—Messrs. Crowell, Ford, Foos, Godman, Harris, Leonard, McConnell, Nash, Ritchey, Root, Sill, Spangler, Thomas, Wade, Waddle, and Speaker—16.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, Perkins, Ream, Robbins, Stanton, Van Vorhes, and Walton—17.

So the Senate refused to adjourn.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 16, to prevent usury, and regulate the rate of interest.

Mr. Leonard moved to strike out "eight per centum," in line two, section two, and insert instead thereof, "six per centum."

Mr. Thomas called for a division of the question, and it turning on striking out,

Mr. Root demanded the yeas and nays, which were ordered, and were, yeas 19, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Foos, Goodin, Harris, Hazeltine, Holmes, Latham, Leonard, Mitchell, Perkins, Ream, Root, Spangler, Taylor, Waddle, Walton, and Speaker—19.

Nays—Messrs. Bartley, Crowell, Dewey, Ford, Godman, Hostetter, McConnell, Nash, Ritchey, Robbins, Sill, Stanton, Thomas, and Van Vorhes—14.

So the amendment prevailed.

On motion of Mr. Crowell;

The bill was laid on the table.

On motion of Mr. Thomas,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, JANUARY 13, 1842.

The Senate met pursuant to adjournment.

Mr. Hostetter presented a petition from members of the Stark county Mutual Insurance Company, for an act to amend their charter; which was referred to a select committee of one, and Mr. Hostetter appointed that committee.

Mr. Crowell presented a petition from citizens of the county of Trumbull, praying for amendments to the act providing for the relief and support of women who may be abandoned by their husbands, and for other purposes; which was referred to the standing committee on the Judiciary.

Mr. Hostetter presented a petition from certain citizens of Ohio, praying for the publication of such a number of the acts of the legislature of each year, that a portion of them may be disposed of by sale; which was referred to the standing committee on the Judiciary.

Mr. Waddle, from the standing committee on Roads and Highways, to which had been referred the petitions on that subject, reported a bill (S. No. 61,) "to vacate part of the state road running from the south east corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the "county line road; which was read the first time.

Mr. Ford, from the select committee on that subject, reported a bill (S. No. 62,) "to explain and amend the act incorporating the city of Cleveland, passed March 5, 1836, and the amendments thereto;" which was read the first time.

Mr. Hostetter, from the select committee on that subject, reported a bill (S. No. 63,) "to amend the act entitled, 'an act to amend an act entitled, an act to incorporate the Stark county Mutual Insurance Company,' passed March 27, 1841;" which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 58; A bill declaratory of the forty sixth section of the act entitled, "an act relating to wills."

S. No. 59; A bill to amend the act entitled, "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed 9th March, 1839.

S. No. 60; A bill to regulate the proceedings and practice under an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the state of Ohio, and the acts amendatory thereto.

The following bill of the House was read the third time and passed, to wit:

H. No. 46; An act to incorporate the Mechanics Institute of Urbana.

Mr. Stanton, from the joint select committee on that subject, report-

ed a bill (S. No. 64,) "fixing the times of holding the courts of common pleas;" which was read the first time.

On motion of Mr. Goodin,

The Senate resolved itself into committee of the whole, Mr. Robbins in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills:

S. No. 51; A bill to change the name of Theodore Oliver; without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 54; A bill further to amend an act entitled, "an act to incorporate the town of Salem, in the county of Columbiana;" without amendment.

Recommitted to the standing committee on corporations.

S. No. 55; A bill to restore Leonard L. Bush to his legal rights and privileges; without amendment.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate again resolved itself into committee of the whole, Mr. Spangler in the chair, on Senate bill No. 56, to lay out and establish a state road in the counties of Hancock and Hardin, and after some time spent in the consideration thereof, the committee rose and reported the same back without amendment.

Recommitted to the standing committee on Roads and Highways.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 52, authorizing the commissioners of Hancock county to assess additional taxes for bridge purposes, reported the same back, and asked to be discharged from the further consideration thereof, and that the bill be recommitted to the standing committee on Finance, which was agreed to.

Mr. McConnell moved that the Senate reconsider its vote on the engrossment of Senate bill No. 20, to authorize the sale of school section sixteen, in Chesterfield township, in the county of Lucas.

Mr. Root demanded the yeas and nays, which, being ordered, were, yeas 20, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Dewey, Ford, Godman, Goodin, Harris, Hazeltine, Leonard, McConnell, Ream, Ritchey, Robbins, Sill, Taylor, Thomas, Van Vorhes, Wade, and Walton—20.

Nays—Messrs. Barnett, Converse, Foos, Holmes, Mitchell, Nash, Root, Spangler, Stanton, Waddle, and Speaker—11.

So the vote was reconsidered.

On motion of Mr. Godman,

The bill was laid upon the table.

On motion of Mr. Thomas,

The Senate took up Senate bill No. 16, to prevent usury, and to regulate the rate of interest.

Mr. Thomas moved that the bill be referred to a select committee of one.

Mr. Leonard moved to amend the motion by instructing the committee to report back the bill in such a shape as to make no distinction in the rates of interest, and not to increase that rate above 6 *per centum*; upon which motion the yeas and nays being demanded, were ordered, and were, yeas 20, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Foos, Goodin, Harris, Hazeltine, Holmes, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Root, Spangler, Taylor, Van Vorhes, Wade, Waddle and Walton—20.

Nays—Messrs. Bartley, Crowell, Dewey, Ford, Godman, Hostetter, Ritchey, Robbins, Sill, Stanton, Thomas and Speaker—12.

So the instructions were agreed to.

Mr. Stanton moved further instructions, but pending the consideration thereof,

On motion of Mr. Bartley,

The bill was laid on the table.

On motion of Mr. Walton,

The Senate took up Senate bill No. 42, to enforce the resumption and continuance of specie payments by the banks within the state of Ohio.

The question being on agreeing to the following amendment, heretofore offered by Mr. Bartley:

Sec. 6. Whenever any banking institution shall have made an abandonment and forfeiture of its charter, and all its corporate powers and privileges, under the first section of this act, it shall be the duty of the court of common pleas, or supreme court in chancery, by injunction, to restrain any such bank, and its officers, from exercising any of its corporate rights, powers, or privileges, and from collecting or receiving any debts or demands, and from paying out, or in any way transferring or delivering to any person, any of the moneys, property or effects of such bank, until such court shall otherwise order; and such injunction may be issued on the application of any prosecuting attorney, in behalf of this state, or of any county in this state, or of any creditor of such banking institution, upon bill or petition filed for that purpose, and upon the satisfactory proof, by affidavit or otherwise, of such abandonment and forfeiture, to authorize the issuing of the same.

Mr. Leonard asked for a call of the Senate, which was made, and Messrs. Carpenter, Henderson, and Taylor found absent; when

On motion of Mr. Leonard,

Further proceedings under the call were dispensed with.

Mr. Bartley then demanded the yeas and nays on the question of agreeing to the amendment, which were ordered, and were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Latham, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Van Vorhes, Wade and Waddle—20.

Nays—Messrs. Aten, Goodin, Harris, Hazeltine, Holmes, Hostetter,

Leonard, Mitchell, McConnell, Ream, Taylor, Walton and Speaker—13.

So the amendment was agreed to.

The question then recurred on agreeing to the following amendment, also offered by Mr. Bartley:

Sec. 7. Upon such application being made, and in any stage of the proceedings thereupon, it shall be the duty of such court to appoint one or more receivers, to take charge of the property and effects of such banking institution, and to collect, sue for, and recover the debts and demands that may be due, and the property that may belong to such bank, who shall, in all respects, be subject to the control of such court, and under such bonds, liabilities and penalties, as such court may deem necessary and proper; and such proceedings shall be conducted according to the usual practice in courts of chancery; and such receiver or receivers, shall possess all the powers and authority, and be subject to all the obligations and duties conferred and imposed upon receivers in chancery, proceedings against co-partnerships, or where co-partners are made parties.

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 17, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Latham, McConnell, Nash, Perkins, Ritchey, Robbins, Sill, Spangler, Stanton and Van Vorhes—17.

Nays—Messrs. Aten, Crowell, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, Ream, Root, Taylor, Wade, Waddle, Walton and Speaker—16.

So the amendment was agreed to.

The following amendment, also offered by Mr. Bartley, then came up for consideration:

Sec. 8. When any creditor of any such banking institution shall seek to charge the directors, president, or other superintending officers of such bank, or the stockholders thereof, on account of any individual liability of such directors, officers, or stockholders, to pay any of the debts or liabilities of such bank, he may issue a scire facias against any such directors, officers, or stockholders, in any stage of the aforesaid proceedings in chancery against such bank, and make them parties thereto; and such court shall possess full jurisdiction and power to enforce such liability.

Mr. Taylor demanded the yeas and nays on agreeing to the amendment, which, being ordered, were, yeas 16, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Ford, Foos, Godman, Hazeltine, Holmes, Latham, McConnell, Perkins, Ritchey, Robbins, Sill, Spangler and Stanton—16.

Nays—Messrs. Aten, Crowell, Dewey, Goodin, Harris, Hostetter, Leonard, Mitchell, Nash, Ream, Root, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—18.

So the amendment was rejected.

The question then turning on agreeing to the following amendment, offered by Mr. Bartley:

Sec. 9. Whenever a judgment at law, or a decree in equity, shall be obtained against any banking institution, and an execution, issued thereon, shall have been returned unsatisfied, in part or in whole, and without property found wherewith to satisfy the same, upon the petition in chancery of the person obtaining such judgment or decree, or his, or her representatives, it shall be the duty of the court of common pleas, or supreme court in chancery, to sequester the stock, property, things in action, and effects of such banking institution, and to appoint a receiver or receivers of the same, under such bonds, conditions, and penalties such court may deem necessary and proper; and, upon a final decree on any such petition, such court shall cause a just and fair distribution of the property, effects, &c., of such bank, and of the proceeds thereof, to be made among the fair and honest creditors of such bank, in proportion to their debts respectively.

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 24, nays 10, as follows, to wit:

Yeas—Messrs. Barneth, Bartley, Clark, Dewey, Ford, Foos, Godman, Hazeltine, Holmes, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade and Waddle—24.

Nays—Messrs. Aten, Crowell, Goodin, Harris, Hostetter, Mitchell, Ream, Taylor, Walton and Speaker—10.

So the amendment was agreed to.

It was then moved that the bill and amendments be recommitted to the standing committee on the Currency; upon which motion the yeas and nays being demanded, were, yeas 16, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor and Walton—16.

Nays—Messrs. Barnett, Bartley, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

So the motion was lost.

Mr. Nash moved that the Senate adjourn; upon which motion,

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Ford, Foos, Godman, Harris, Hostetter, Mitchell, Nash, Sill, Thomas and Van Vorhes—10.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Goodin, Hazeltine, Holmes, Latham, Leonard, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Wade, Waddle, Walton and Speaker—24.

So the Senate refused to adjourn.

Mr. Leonard moved to fill the blanks by inserting in first blank the word "first," and in the second blank the word "February."

Mr. Goodin moved to fill the first blank, in the first section, with "fourth;" upon which motion,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 28, nays 5, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Crowell, Dewey, Ford, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—28.

Nays—Messrs. Aten, Clark, Leonard, Nash and Taylor—5.

So the motion prevailed.

Mr. Goodin moved to fill the second blank, in the first section, with the word "March;" upon which motion,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Ford, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Walton and Speaker—18.

Nays—Messrs. Aten, Clark, Crowell, Dewey, Godman, Leonard, Nash, Perkins, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade and Waddle—16.

So the motion prevailed.

Mr. Taylor moved to strike out the "4th day of March, 1842," from the second and third lines of the first section of the bill, and insert, "the passage of this act;" upon which motion, he demanded the yeas and nays, which, being ordered, were, yeas 20, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Clark, Crowell, Ford, Foos, Godman, Hazeltine, Holmes, Leonard, Mitchell, Nash, Perkins, Root, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—20.

Nays—Messrs. Barnett, Bartley, Dewey, Goodin, Harris, Hostetter, Latham, McConnell, Ream, Ritchey, Robbins, Sill, Spangler and Stanton—14.

So the amendment was agreed to.

Mr. Leonard moved that the Senate reconsider its vote on the 6th section, being the third amendment of Mr. Bartley to the bill under consideration.

The yeas and nays being demanded, they were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Dewey, Hazeltine, Holmes, Leonard, Mitchell, Ritchey, Robbins, Sill, Spangler and Stanton—13.

Nays—Messrs. Bartley, Crowell, Ford, Foos, Godman, Goodin, Harris, Hostetter, Latham, McConnell, Nash, Perkins, Ream, Root, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—21.

So the Senate refused to reconsider its vote.

Mr. Wade offered an amendment to the bill.

It was moved that the bill, together with Mr. Wade's amendment be laid upon the table, and the amendment printed.

On this motion the yeas and nays were demanded, and were, yeas 11, nays 23, as follows, to wit:

Yeas—Messrs. Harris, Latham, Nash, Robbins, Root, Sill, Stanton, Thomas, Wade, Waddlo and Speaker—11.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Van Vorhes and Walton—23.

So the Senate refused to lay on the table.

Mr. Taylor moved that the bill and pending amendment be referred to the standing committee on the Judiciary, and on his motion demanded the yeas and nays, which, being ordered, were, yeas 9, nays 24, as follows, to wit:

Yeas—Messrs. Goodin, Harris, Hostetter, Latham, Mitchell, McConnell, Nash, Ritchey and Taylor—9.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Hazeltine, Holmes, Leonard, Perkins, Ream, Robbins, Root, Sill, Spangler, Stanton, Van Vorhes, Wade, Waddlo, Walton and Speaker—24.

So the Senate refused to recommit.

On motion of Mr. Leonard,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

FRIDAY, JANUARY 14, 1842.

The Senate met pursuant to adjournment.

Mr. McConnell presented the reply of Israel Dille and Oren Smith to the memorial of B. Buckingham and others, in relation to the North Fork Feeder of the Licking River; which was

Laid on the table.

Mr. Nash presented a petition from citizens of the county of Gallia, for the establishment of a State road; which was

Referred to the standing committee on Roads and Highways.

Mr. Dewey presented a memorial from the President, Directors and Company of the Belmont Bank of St. Clairsville, praying for a re-

newal of their charter, accompanied, also, by a statement of the condition of said bank; which was

Referred to the standing committee on the Currency.

Mr. Taylor presented a petition from citizens of Newark, for the incorporation of the Newark St. John's German Evangelical Protestant Church; which was

Referred to the standing committee on Corporations.

Mr. Taylor presented a petition from certain citizens of the county of Licking, for the enactment of certain laws in reference to suspended banks.

Mr. Taylor moved to lay the petition on the table.

Mr. Nash moved to amend the motion so that the printing of the petition be dispensed with; upon which motion,

Mr. Taylor demanded the yeas and nays, which were ordered, and were, yeas 21, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Foos, Godman, Harris, Hazeltine, Holmes, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Spangler, Stanton, Van Vorhes and Speaker—21.

Nays—Messrs. Crowell, Ford, Goodin, Hostetter, Mitchell, Ream, Root, Taylor, Wade, Waddle and Walton—11.

So the amendment prevailed.

The motion, as amended, was then agreed to.

Mr. Hostetter presented a petition from citizens of the county of Stark, for the enlargement of the Lunatic Asylum; which was

Referred to the standing committee on Public Institutions.

Mr. Walton, from the standing committee on the Judiciary, to which the petition of citizens of the county of Richland on that subject had been referred, reported a bill (S. No. 65,) "to amend an act to provide for the election and resignation of justices of the peace, passed January 31, 1831;" which was read the first time.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted Senate bill No. 56, to lay out and establish a State road in the counties of Hancock and Hardin, reported the same back, and recommended its indefinite postponement.

On motion of Mr. Goodin,

The bill was laid upon the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill No. 14, "to authorize the trustees of school section number sixteen, in Hopewell township, Seneca county, to lease said school lands," reported back the same without amendment, and it was

Ordered to be engrossed for its third reading to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which had been referred the bill (S. No. 46,) "to incorporate the Presbyterian Church of Cross creek, in the county of Jefferson," reported back the same with one amendment, which was agreed to, and the bill

Ordered to be engrossed for its third reading to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted the bill (S. No. 51,) "to change the name of Theodore Oliver," reported back the same with two amendments, which were agreed to, and the bill

Ordered to be engrossed for its third reading to-morrow.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee of Enrolment, have deposited the following enrolled acts and resolutions in the Secretary of State's office, and received his receipt therefor, to wit:

An act to amend the act entitled, "an act to incorporate the Lancaster Lateral Canal Company," passed February 8, 1826;

An act to authorize the sale of the residue of section sixteen, in township twelve, of range fifteen, in the county of Athens;

An act to incorporate the First Presbyterian Society of Newburg, in the county of Cuyahoga;

An act to incorporate the First Moral Library Association of Williamsfield, in the county of Ashtabula;

An act to change the name of Ossian B. D. Coates;

An act to incorporate the First Baptist Church of Amherst, in Lorraine county;

An act to incorporate Perry Engine Company No. 1, of Massillon, Stark county, Ohio;

An act to incorporate the First Regular Baptist Church of Lowell, Washington county;

An act to incorporate Jefferson Lodge No. 6, of the Independent Order of Odd Fellows of Steubenville, Ohio;

An act to incorporate the First Christian Church of Paint Creek, in Gasper township, Preble county;

An act to amend the act entitled, "an act to create the office of township assessor," passed March 20, 1841;

An act making temporary appropriations for certain purposes;

An act to incorporate the Cincinnati Catholic Society for Mutual Relief;

Resolution in relation to the collated Statutes in Portage county;

Resolution in relation to the appointment of trustees for the Charity School of Kendall, in the county of Stark;

Resolution in relation to the admission of Hanson Young in the Asylum of the Blind;

Resolution instructing Clerks of Courts of Common Pleas to distribute copy of Laws to Directors of Poor Houses;

Resolution appointing Bank Commissioners;

Resolution instructing our Senators, and requesting our Representatives, to vote for the early passage of the law, fixing the apportionment of members of Congress among the several States.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 61; A bill to vacate part of the State road running from the south-east corner of Trumbull county, to New Portage, on the Ohio Canal, commonly called the "county line road;"

S. No. 62; A bill to explain and amend the act incorporating the city of Cleveland, passed March 5, 1836, and the amendments thereto;

S. No. 63; A bill to amend the act entitled, "an act to amend the act entitled, 'an act to incorporate the Stark county Mutual Insurance Company,'" passed March 27, 1841.

S. No. 64; A bill fixing the times of holding the courts of common pleas.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the Senate resolution in relation to certain elections therein named.

Attest:

GEO. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution making certain allowances therein named.

Attest:

GEO. M. AYRES, *Clerk.*

The resolution was referred to the standing committee on Claims.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill of the Senate, to wit:

S. No. 27; To amend the act entitled, "an act to incorporate the town of Athens."

The House has agreed to the Senate amendments to House bills Nos. 45 and 49.

The House has agreed to the Senate amendment to House resolution, in relation to admitting Benjamin F. Locke into the Ohio Institution for the Blind.

The House has agreed to the Senate resolution in relation to printing extra copies of the Warden and Director's report of the Ohio Penitentiary, with one amendment.

The following bills have been reported to the House, and read a first time, to wit:

H. No. 101; To lay out and establish a graded State road in the counties of Jefferson and Harrison;

H. No. 102; To lay out and establish a State road in the counties of Erie, Lorain and Huron;

H. No. 103; To incorporate the Wardens and Vestry of Grace Church in Cincinnati;

H. No. 104; To incorporate the St. Marys, Shanesville and Indiana Turnpike Company;

H. No. 105; To amend an act entitled, "an act for the inspection of certain articles therein enumerated," passed March 7, 1831;

H. No. 106; To authorize the sale of section number sixteen, in Tymochtee township, Crawford county;

H. No. 107; To incorporate the Medina Union Band, in the county of Medina;

H. No. 108; To amend an act entitled, "an act for the support and better regulation of Common Schools," passed March 7, 1833;

H. No. 109; To incorporate the town of Antrim, in Guernsey county.

The House has passed the following resolution to which the concurrence of the Senate is requested:

A resolution in relation to printing extra copies of the report of the Board of Public Works.

Attest:

GID. M. AYRES, *Clerk.*

The amendment of the House to the Senate resolution, in relation to printing extra copies of the report of the Warden and Directors of the Ohio Penitentiary, was agreed to.

The resolution of the House, in relation to printing extra copies of the report of the Board of Public Works, was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following bills have passed the House, to which the concurrence of the Senate is requested:

H. No. 52; To incorporate the First Regular Baptist Church and Society in Napoleon, Henry county, Ohio;

H. No. 54; To incorporate the town of West Rushville, in the county of Fairfield.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Mr. Mitchell gave notice that he would, on some subsequent day of the present session, ask leave to introduce a bill to incorporate Steubenville Lodge No. 45, of free and accepted Masons of Steubenville, Ohio.

Mr. Nash gave notice that, on some subsequent day of this session, he would ask leave to introduce a bill to authorize the holding of a term of the court of common pleas in the county of Scioto, for criminal business.

On motion of Mr. Walton,

The Senate took up Senate bill No. 42, to enforce the resumption and continuance of specie payments by the banks, within the state of Ohio.

The question occurred on the adoption of the amendment offered by Mr. Wade; which is as follows, to wit:

Strike out all after the enacting clause, and insert the following:

That if any banking institution in this state, shall fail or refuse, at any time after the first day of March, in the year one thousand eight hundred and forty two, upon demand made at its banking house, or usual place of doing business, in banking hours, to redeem with gold or silver coin, any of its bills, notes, or other evidences of debt, intended for circulation, of a less denomination than three dollars; or shall, after the first day of May, in the same year, fail to redeem with gold or silver coin, on demand made as aforesaid, any of its bills, notes, or other evidences of debt, intended for circulation, of a less denomination than five dollars; or shall, after the first day of July, in the same year, fail to redeem with gold and silver coin, on demand, made as aforesaid, any of its bills, notes, or other evidences of debt, intended for circulation, of a less denomination than ten dollars; or shall, after the first day of September, in the same year, fail to redeem with gold or silver coin, any of its bills, notes, certificates, or other evidences of its indebtedness, on demand made as aforesaid; every such failure shall be taken and deemed to be an abandonment and forfeiture, by such institution, of its charter, and of all franchises, powers and privileges, conferred by its act of incorporation; and for all acts done, or liabilities incurred, after such abandonment and forfeiture by, or on behalf of such institution, the officers and stockholders thereof, shall be held jointly and severally liable in their individual capacity: provided, nevertheless, that it shall be the duty of the banking institutions in this state, to redeem their bills, notes, and other evidences of debt, with gold or silver coin, within ten days after the governor of this state shall have issued his proclamation, declaring that the banking institutions in the states of Pennsylvania, Virginia, Kentucky, and Indiana, or in any three of said states, have generally resumed the redemption of their bills and notes, in gold and silver coin, any thing in this act to the contrary, notwithstanding; and if any banking institution in this state, shall fail to redeem any of its bills, notes, or other evidences of its indebtedness, for a longer period than ten days after the issuing of his proclamation, by the governor, as aforesaid, such banking institution shall be subject to all the penalties, forfeitures, and disabilities, herein before mentioned.

Sec. 2. That when any judgment creditor of any banking institution in this state, shall, by himself, his agent or attorney, produce to any judge of the supreme court, or to the president judge of the court of common pleas of the county in which such institution shall keep its banking house, satisfactory evidence that he has an unsatisfied judgment or against such institution, and that execution has been duly issued thereon, and returned, no goods nor chattels found, whereon to levy by the sheriff or other officer, to whom the same was properly directed, it shall be the duty of such judge, upon such judgment creditor filing in the proper court of the county, his petition setting forth the facts aforesaid, forthwith to appoint a receiver for such institution, whose duty it shall be to take charge of all

the assets and effects of such institution, and proceed to wind up, liquidate and adjust all the business and concerns of the same, under the order of the judge appointing him, and of the court in which the said petition may be filed, according to the usages of chancery in similar proceedings.

Sec. 3. That the receiver to be appointed as aforesaid, before entering on the duties of his appointment, shall give bond to the state of Ohio, in a sum at least double the estimated amount of the assets of such institution, with two or more sureties, to be approved by the judge making the said appointment, conditioned that such receiver shall faithfully pay over, and account for all the money, property, and effects which shall come into his hands, and faithfully perform all his duties as such receiver, which bond shall be filed in the same court with the petition aforesaid, and may be sued upon by any person agrieved by the acts of such receiver.

Sec. 4. That such receiver shall have power, in the name of such institution, to sue for, and collect any and all debts, claims, and demands, in favor of such institution, and to defend when necessary, any suits brought against such institution; and while such institution and its effects are in the charge of such receiver, and while its business and concerns are in process of adjustment by him, all suits before commenced against such institution, may be prosecuted to final judgment or decree, and new suits may be commenced and prosecuted to final judgment or decree, in the same manner as if no proceedings were pending, to wind up the business and concerns of such institution, or as if no act of forfeiture had been committed by the same: provided, that no creditor, by reason of any judgment to be recovered in any such suit, shall have any preference over other creditors of such institution, in the adjustment of the affairs thereof, by the receiver.

Sec. 5. That the court in which such petition shall be filed, shall allow such receiver a compensation, not exceeding five per cent. upon the amount of assets that shall come into his hands to be paid out of such assets, and may also, for good cause, remove such receiver and appoint another in his place, who shall give bond in the manner prescribed in the third section of this act.

Sec. 6. That in adjusting the business and concerns of such institution, the receiver shall first pay the necessary expenses of such adjustment; second, the bills, notes, and other evidences of the indebtedness of such institution, intended for, and put in circulation, and judgments recovered thereon; third, other debts of the institution, not due to the officers or stockholders thereof; and fourth, the debts due to the officers and stockholders of such institution, so far as the assets thereof may be sufficient.

A division of the question being called for, it turned on striking out, on which motion,

The yeas and nays being demanded, they were ordered, and were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Dewey, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—12.

Nays—Messrs. Aton, Barnett, Bartley, Clark, Crowell, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—21.

So the Senate refused to strike out.

Mr. Walton offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That one thousand copies of the Auditor's report, in relation to the three per cent. fund, be printed for the use of this General Assembly.

The question occurring on the adoption of the resolution,

Mr. Stanton demanded the yeas and nays, which, being ordered, were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Aton, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Ritchey, Taylor and Walton—14.

Nays—Messrs. Barnett, Dewey, Ford, Foos, Godman, Harris, McConnell, Nash, Perkins, Robbins, Root, Sill, Spangler, Stanton, Van Vorhes, Wade, Waddle and Speaker—18.

So the motion was lost.

On motion of Mr. Root,

The Senate resolved itself into committee of the whole, Mr. Sill in the chair, on Senate bill No. 50, further to amend the act entitled, "an act to incorporate the town of Milan," passed February 23, 1833, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. McConnell,

The bill was amended.

On motion of Mr. Root,

The bill was further amended.

The bill was then recommitted to the standing committee on Corporations.

On motion of Mr. Taylor,

The petition of citizens of the county of Licking, in relation to suspended banks, was taken up, and referred to the standing committee on the Currency.

On motion of Mr. Taylor,

The bill (S. No. 42,) to enforce the resumption and continuance of specie payments by the banks within the state of Ohio, was taken up and

Referred to the standing committee on the Currency.

Mr. McConnell offered for adoption the following resolution:

Resolved, That the committee on the Currency, to whom was re-committed Senate bill No. 42, be instructed to so amend said bill as to require the banks to redeem all notes and bills of any denomination not exceeding five dollars, by the first day of March, one thousand eight hundred and forty two, and that the banks be required to make a

general resumption of specie payments by the first day of June, 1842.

Mr. Walton moved to lay the resolution on the table; upon which motion,

Mr. McConnell demanded the yeas and nays, which were ordered, and were, yeas 21, nays 8, as follows, to wit:

Yeas—Messrs. Aten, Dewey, Ford, Foos, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, Nash, Perkins, Ream, Root, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—21.

Nays—Messrs. Barnett, Bartley, Harris, Leonard, McConnell, Robbins, Sill and Stanton—8.

So the resolution was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The following bill has passed the House, to which the concurrence of the Senate is requested:

H. No. 50; A bill to lay out and establish a graded State road in the counties of Harrison and Guernsey.

The House has disagreed to the Senate amendment to House bill No. 46, to incorporate the Mechanics' Institute of Urbana.

Attest:

GID. M. AYRES, *Clerk.*

The bill of the House was read the first time.

On motion of Mr. Nash,

The Senate insisted on its amendment to the bill of the House.

On motion of Mr. McConnell,

The Senate resolved itself into committee of the whole, Mr. Stanton in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills:

S. No. 57; A bill to incorporate the First Presbyterian Church of Grand, Marion county, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 60; A bill to regulate the proceedings and practice under the act entitled "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the state of Ohio," and the acts amendatory thereto; and after some time spent in the consideration thereof, the committee rose, and reported the same back with one amendment.

On motion of Mr. Tayler,

The bill was laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The following bill has passed the House, to which the concurrence of the Senate is requested:

H. No. 58; A bill to repeal the charter of the German Bank of Wooster, and appointing special commissioners to take possession of its assets.

Attest:

GID. M. AYRES, *Clerk.*

The bill of the House was read the first time.

On motion of Mr. Taylor,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

SATURDAY, JANUARY 15, 1828.

The Senate met pursuant to adjournment.

Mr. Spangler presented the petition of John Panabaker for relief, with the accompanying papers; which was

Referred to the standing committee on Claims.

Mr. Thomas presented a petition in favor of the erection of the new county of Wabash; which was

Referred to the standing committee on New Counties.

Mr. Taylor presented a petition from citizens of Fallsbury township, in the county of Licking, praying for the establishment of a school district; which was

Referred to the standing committee on Schools and School Lands.

Mr. Van Vorhes presented a certified copy of testimony on file in the supreme court, in the case of Ralph Bingham vs. Esther Bingham; which was

Referred to the standing committee on the Judiciary.

Mr. Van Vorhes, also, presented a petition from Peter Bebes in relation to the Federal Creek toll bridge; which was

Referred to the standing committee on Corporations.

Mr. Harris presented a petition from John Jeffrey and others, praying for the passage of a law to legalize the acts of said Jeffrey as a justice of the peace; which was

Referred to the standing committee on the Judiciary.

Mr. Clark presented a petition from citizens of the county of Lucas, praying that a bounty may be granted on cocoons and reeled silk; which was

Referred to the standing committee on Agriculture, Commerce, and Manufactures.

Mr. Hazeltine presented a petition from 39 stockholders, and 55 other citizens, for the passage of a law to appropriate, for a limited time, the proceeds of the tolls on the Dayton and Western Turnpike

Road to the payment of the debts of the Turnpike Road Company; which was

Referred to the standing committee on Railroads and Turnpikes.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 55, to restore Leonard L. Bush to his legal rights and privileges, made the following report, which was agreed to, and the bill

Ordered to be engrossed for its third reading on Monday next:

The standing committee on the Judiciary, to whom was recommitted bill number 55 of the Senate, a bill entitled "a bill to restore Leonard L. Bush to his legal rights and privileges," have had the same under consideration, and now report:

It appears that Leonard L. Bush was convicted of the crime of Grand Larceny, in the county of Morgan, in September, 1839, and sentenced to the Penitentiary of this state, for the term of one year; that shortly before the expiration of the term of his imprisonment, application was made in his behalf to the Governor, for a pardon in order to restore him to the rights of citizenship. It is stated by sundry memorialists, that prior to said conviction said Bush sustained a good moral character; and that since his discharge from the Penitentiary, he has behaved, in all respects, as a good and orderly citizen. It also appears from the statement of Wilson Shannon, the Governor, that upon the application made to him he determined to grant the pardon, and for that purpose signed a blank pardon and directed it to be filled up, but from some inadvertent omission it was not delivered over or recorded.

As a general rule the committee are opposed to all special legislation of the kind sought for by the petitioner. The 4th section of the statute for the punishment of crimes provides, "that any person sentenced to punishment under that act, except for the crimes of manslaughter or duelling, shall be deemed incompetent to be an elector, juror or witness, or to hold any office of honor, trust or profit, within this state, unless such person shall receive a general pardon from the Governor, in which case he shall be restored to all his civil rights and privileges. This disqualification is imposed as a part of the punishment, and for the reason that the convict is presumed to be an unfit person to exercise those rights and privileges. As a general rule for the legislature to interfere to restore persons, who have been punished under the sentence of the court, to their civil rights and privileges, would be very little different in principle from an interference, by a special law, to discharge a convict from confinement in the Penitentiary.

The case presented by this petitioner, is, however, founded upon a different ground. The Governor had become satisfied that the petitioner had reformed, and was not an unfit person to exercise the rights of a citizen, and that that part of his punishment which consisted in the disqualification ought to be remitted; and a general pardon was

actually granted, but by inadvertence it was not received, and did not become valid in law.

The committee, therefore, recommend the passage of the bill.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred the petition of sundry citizens of Gallia county, for the establishment of a State road, reported the same back, asked to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petition; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 50, further to amend the act entitled "an act to incorporate the town of Milan," passed February 23, 1833, reported the same back without amendment, and recommended its passage; which was agreed to; and the bill

Ordered to be engrossed for its third reading on Monday next.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 57, to incorporate the First Presbyterian Church of Grand, Marion county, reported the same back without amendment; which was agreed to, and the bill

Ordered to be engrossed for its third reading on Monday next.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 36, to amend the act to abolish imprisonment for debt, and the act amendatory thereto, reported the same back with one amendment; which was agreed to, and the bill

Ordered to be engrossed for its third reading on Monday next.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 54, further to amend the act entitled "an act to incorporate the town of Salem, in the county of Columbiana," reported the same back without amendment.

On motion of Mr. Holmes,

The bill was laid upon the table.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 65; A bill to amend "an act to provide for the election and resignation of Justices of the peace," passed January 31, 1831;

H. No. 52; A bill to incorporate the town of West Rushville, in the county of Fairfield;

H. No. 54; A bill to incorporate the First Regular Baptist Church and Society in Napoleon, Henry county, Ohio;

H. No. 58; A bill to repeal the charter of the German Bank of Wooster, and appointing special commissioners to take possession of its assets.

The following bill of the House was read the second time, recommended to a select committee of one, and Mr. Walton appointed that committee, to wit:

H. No. 50; A bill to lay out and establish a graded state road, in the counties of Harrison and Guernsey.

The following bills of the Senate were read the third time and passed, to wit:

S. No. 51; An act to confer the exclusive authority of changing the names of persons, upon the court of common pleas;

S. No. 14; An act to authorize the trustees of school section number 16, in Hopewell township, Seneca county, to lease said school lands;

S. No. 46; An act to incorporate the Presbyterian Church of Cross Creek, in the county of Jefferson.

Mr. Mitchell, agreeably to previous notice, introduced a bill (S. No. 66,) "to incorporate Steubenville Lodge, No. 45, of Free and Accepted Masons of Steubenville, Ohio;" which was read the first time.

Mr. Hostetter gave notice that he would on to morrow, or some subsequent day of the present session, ask leave to introduce a bill to incorporate "the First Congregation of Disciples at Fulton, Stark county."

On motion of Mr. Henderson,

The Senate resolved itself into committee of the whole, Mr. Taylor in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills:

S. No. 58; A bill declaratory of the forty sixth section of the act entitled, "an act relating to wills," without amendment.

On motion of Mr. Van Vorhes,

Recommitted to the standing committee on the Judiciary.

S. No. 59; A bill to amend an act entitled, "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839, with amendments.

On motion of Mr. Latham,

Recommitted to the standing committee on Canals.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole Senate, Mr. Thomas in the chair, on the orders of the day, and after some time spent in the consideration thereof, reported back the following bills:

S. No. 61; A bill to vacate part of the state road running from the south east corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the "county line road."

Ordered to be engrossed for its third reading on Monday next.

S. No. 63; A bill to amend the act entitled, "an act to amend an act to incorporate the Stark County Mutual Insurance Company," passed March 27, 1841.

On motion of Mr. Spangler,

Recommitted to the standing committee on Corporations.

H. No. 52; A bill to incorporate the town of West Rushville, in the county of Fairfield.

On motion of Mr. Spangler,

Recommitted to the standing committee on Corporations.

H. No. 54; A bill to incorporate the First Regular Baptist Church and Society, in Napoleon, Henry county.

12—S. J.

On motion of Mr. Barnett,
Recommitted to the standing committee on Corporations.

H. No. 58; A bill to repeal the charter of the German Bank of Wooster, and appointing special commissioners to take possession of its assets.

On motion of Mr. Holmes,
Recommitted to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported and read the first time, to wit:

A bill (No. 110) to lay out and establish a graded state road in the counties of Monroe and Washington;

A bill (No. 111) to vacate a part of the state road leading from Cincinnati, in Hamilton county, to Bethel, in Clermont county;

A bill (No. 112) to incorporate the Monumental Methodist Episcopal Church of the town of Eaton, Preble county;

A bill (No. 113) to incorporate the Rector Church, Wardens and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum;

A bill (No. 114) to provide for the improvement and repairs of a certain county road, in Hamilton county;

A bill (No. 115) to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby;

A bill (No. 116) to authorize the levy of an additional tax in school district number two, in Brown township, in the county of Ashtabula;

A bill (No. 117) to amend an act entitled, an act to incorporate the town of Lebanon, in the county of Warren;

A bill (No. 118) to lay out and establish a state road in the counties of Delaware and Knox;

A bill (119) to incorporate the town of Pleasant Valley, in Madison county;

A bill (No. 120) to confirm and legalize the name of Joseph A. Roof.

The following bill has passed the House, to which the concurrence of the Senate is requested:

H. No. 59; A bill to incorporate the Chagrin Falls Mechanic's Library Association, in the county of Cuyahoga.

Attest:

GID. M. AYRES, *Clerk.*

The bill of the House was read the first time.

Mr. Thomas, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 22, for the punishment of certain crimes and misdemeanors, reported the same back with sundry amendments; which were agreed to.

On motion of Mr. Walton,
The bill was laid upon the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of Eleanor Eaton, for a divorce from her husband, made the following report:

The standing committee on the Judiciary, to whom was committed the petition of Eleanor Eaton of Seneca county, for a divorce from her husband, Azure Eaton, have had the same under consideration and, now report:

The second section of the act entitled, "an act to regulate the mode of petitioning the legislature in certain cases," provides, "that in all cases where petitions are intended to be presented to any future legislature, whereby the particular right or privilege of any individual or individuals, may be affected or infringed, notice of such intention shall be given in the county where the party interested may reside, at least thirty days prior to the ensuing session of the legislature. But if the party interested, do not reside in this state, then such notice shall be given four months before the session, at which their petition is presented." This law is binding upon the proceedings of the legislature until it shall be their pleasure to repeal or alter the same. It appears that no notice, as aforesaid, has been given by the petitioner, Eleanor Eaton, of her intention to present the petition aforesaid, to the legislature, at the present session.

The committee, therefore, ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw her petition.

On motion of Mr. Goodin,

The report was laid upon the table and the printing dispensed with.

Mr. Thomas asked for a call of the Senate, which was made, and Messrs. Carpenter, Dewey and Godman, were found absent.

On motion of Mr. Thomas,

Mr. Carpenter was excused from attending.

Messrs. Dewey and Godman having appeared in the Senate chamber,

On motion of Mr. Thomas,

Further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. Speaker:

The House of Representatives is now prepared to receive the Senate, and proceed to certain elections.

Attest:

GID. M. AYRES, *Clerk.*

On motion of Holmes,

The Senators, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and having been seated within the bar of the House, both houses, in pursuance to a joint resolution

previously passed, proceeded to elect one judge of the supreme court, of Ohio, and the following was declared to be the result of the first ballot, to wit:

For Matthew Birchard.....	55 votes.
For Peter Hitchcock.....	51 "

Matthew Birchard, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared to be duly elected a Judge of the supreme court, for the term of seven years, from and after the seventh day of March, 1842.

The two houses next proceeded to elect a President Judge for the 14th judicial circuit, by the following vote, to wit:

For Benjamin Bissell.....	55 votes.
For Reuben Hitchcock.....	50 "
Blank	1 "

Benjamin Bissell, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared to be duly elected President Judge, for the 14th judicial circuit, for the term of seven years, from and after the rising of this General Assembly.

The two houses next proceeded to elect one Associate Judge for the county of Trumbull, when it appeared that

John R. Church received.....	54 votes.
Buel Barnes "	50 "
Blanks.....	1

John R. Church, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared to be duly elected an Associate Judge for the county of Trumbull, for the term of seven years, from and after the 10th day of March, 1842.

The two houses next proceeded to elect one Associate Judge for the county of Huron, when it appeared that

Albert G. Sutton received.....	55 votes.
Aaron Davenport.....	47 "
Blanks.....	3

Albert G. Sutton, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected an Associate Judge for the county of Huron, for the term of seven years, from and after the 24th day of January, 1842.

The two houses next proceeded to elect one Associate Judge for the county of Pike, when it appeared that

Samuel Reed received.....	55 votes.
Absalem Chenoweth.....	39 "
Blanks and Scattering.....	11 "

Samuel Reed, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected an Associate Judge for the county of Pike, for the term of seven years, from and after the rising of this General Assembly.

The two houses next proceeded to elect one Associate Judge for the county of Jackson, when it appeared that

Asa Dudley received.....	56 votes.
Blanks and Scattering.....	47 "

Asa Dudley, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence both houses, declared duly elected an Associate Judge for the county of Jackson, for the term of seven years, from and after the 14th day of February, 1842.

The two houses next proceeded to elect two Associate Judges for the county of Hancock, when it appeared that

John Ewing received.....	57 votes.
Mordecai Hammond.....	58 "
Blanks.....	46 "
Blanks.....	46 "

John Ewing and Mordecai Hammond, having received a majority of all the votes cast, were, by the Speaker of the Senate, in the presence of both houses, declared duly elected Associate Judges for the county of Hancock, for the term of seven years, each, from and after the 10th day of March, 1842.

The elections having been gone through, the Senate returned to the Senate chamber.

On motion of Mr. Harris,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

MONDAY, JANUARY 17, 1842.

The Senate met pursuant to adjournment.

Mr. Clark presented a petition from citizens of Lucas county, praying that the survey of a State road from Maumee, west, may be put on record in said county; which was

Referred to the standing committee on Roads and Highways.

Mr. Clark, also, presented a petition from citizens of the same county, praying that the lands heretofore granted by congress to aid in the construction of the Wabash and Erie canal, be sold, and the revenue derived therefrom be applied to the completion of said canal; which was

Referred to the standing committee on Public Lands.

Mr. Sill presented a petition from citizens of Tallmadge township, Summit county, praying for a law to appropriate a portion of the proceeds of the school fund to the purchase of school district libraries; which was

Referred to the standing committee on Schools and School Lands.

Mr. Van Vorhes presented a petition from citizens of Rome township, in the county of Athens, praying for the passage of a law to authorize the trustees of said township to lease certain school lands; which was

Referred to the standing committee on Schools and School Lands.

Mr. McConnell presented a petition from the Presbyterian Society, and certain citizens of the town of McConnellsville, praying to have certain lots conveyed; which was

Referred to a select committee of one, and Mr. McConnell appointed that committee.

Mr. Goodin presented a petition from citizens of Tiffin, in the county of Seneca, praying for an act to incorporate said town; which was

Referred to a select committee of one, and Mr. Goodin appointed that committee.

Mr. Walton presented a petition from citizens of Ohio, for the repeal of all laws depriving the colored man of his constitutional rights; which was

Referred to the standing committee on the Judiciary.

Mr. Ford, from the standing committee on Railroads and Turnpikes, made the following report, accompanied by a bill (S. No. 67), to regulate the mode of collecting debts against turnpike companies in which the state is a stockholder:

The standing committee on Railroads and Turnpikes, have had under consideration, the laws relating to turnpike companies, and report:

There are now twenty six turnpike roads in the state, in which, collectively, the state is a stockholder, to the amount of \$2,561,660 by subscription, of which amount, she has already paid \$2,016,173 12, and there remains due on the subscriptions, \$545,486 88. This species of public improvement, is one of very great interest to those portions of the state, where these works have been constructed, and from the great amount of money invested by the state, there arises a question of vital importance to the whole state, how these roads shall be preserved, and so managed, that there may be some returns from this investment, to aid in paying the interest on the money borrowed for this purpose. Nearly all these companies, as we see from their own reports, are in debt, and some of them largely. The law, as it now exists, upon the statute book, authorizes an execution to be levied directly upon the gates on these roads, and the gates to be sold to the person who will bid them off for the shortest period of time, and pay the judgment. This law might, at first sight, appear to be equitable and just in its operation. But, judging from the little experience which has been had of the effect of this law, since it was ascertained to be on the statute book, a few years practice under it will effect-

ally strip the state of the whole of its stock in many of these roads, and wrong many innocent stockholders, and prove, in its operation, highly inequitable and unjust to the creditors of the companies.— Within the few last months, levies have been made, and gates sold, the annual net revenue of which, was five thousand dollars per year, for the period of sixty years, to satisfy a debt or debts, of only about seven thousand dollars. These levies, to be sure, have been set aside by the court in bank, in consequence of fraud or error in the proceedings, but this does not vary the principle of the law. Within the last few days, another gate has been sold on another road, for the period of forty nine years, and others will be sold on the same road, (as the committee are informed,) so soon as they are erected. It will be seen by these few examples, that under the operation of this law, the whole stock of the state, as well as that of the individual stockholders, will soon be in the hands of a few individuals, and that too, for a length of time which might as well be unlimited; and thus the whole be sacrificed. It has been contended that this law was necessary for the protection of the creditors of these companies. This may be plausible in theory, but in practice, its operation upon the creditors of the companies, is most unequal and unjust.

It does not, in its operation, distribute the proceeds of the company, fairly among the creditors, but only enables the more vigilant and wealthy, by a speedy prosecution of *their* claims to levy upon the gates, bid them off on their own terms, for long periods, and thereby appropriate the revenues of the road, not only to the payment of their debts, but afterwards, to their private benefit; whilst the less vigilant, and less able, are thereby entirely deprived of all remedy, and, of course, must lose *their* claims. But it may be said, that so far as the interest of the state is concerned, that under the existing law, it cannot be lost, because the sovereignty of the state cannot be merged in a company, by becoming a stockholder in that company.— This is an open question, as yet—the decisions are conflicting; in one case in this state, the tolls, as well of the state, as of the company, have been sequestered to pay the debts of the company; and in one case, where the state has been to considerable expense in defending, it is understood that a different decision has prevailed. Neither case was carried to the highest judicial tribunal; and, therefore, it is yet uncertain what would be the final result. But supposing that the final decision of the matter, should be favorable to the state, yet the state would be engaged in a series of law, in defending each individual suit which may be brought against each one of these companies, and thus involved in much expense and trouble, which it seems to the committee, should not be permitted, when all difficulty may be remedied by a very trifling expense and time of legislating. The committee, therefore, for the purpose of settling this matter, and securing the rights of all the creditors of these companies, report a bill.

The report was laid on the table, and the bill read the first time.

Mr. Taylor, from the standing committee on the Currency, reported a bill (S. No. 68,) further to amend the act entitled “an act provi-

ding for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the state of Ohio;" which was read the first time.

Mr. Holmes, from the standing committee on Corporations, to which the petition on that subject was referred, reported a bill (S. No. 69,) to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county; which was read the first time.

Mr. Goodin, from the same committee, reported back the bill (S. No. 34,) to amend the act entitled "an act to authorize Peter Bebes and his associates to erect a toll bridge over Federal Creek, in the county of Athens," without amendment; and the bill was

Ordered to be engrossed for its third reading to-morrow.

Mr. Holmes, from the same committee, reported back the bill (S. No. 63,) to amend the act entitled "an act to amend an act entitled 'an act to incorporate the Stark County Mutual Insurance Company,'" passed March 27, 1841, without amendment; and the bill was

Ordered to be engrossed for its third reading to-morrow.

Mr. Holmes, from the same committee, reported back the bill (H. No. 52,) to incorporate the town of West Rushville, in the county of Fairfield, with one amendment; which was agreed to, and the bill

Ordered to its third reading to-morrow.

Mr. Holmes, from the same committee, reported back the bill (H. No. 54,) to incorporate the First Regular Baptist Church and Society in Napoleon, Henry county, Ohio, without amendment; and it was

Ordered to its third reading to-morrow.

Mr. Spangler, from the standing committee on Finance, reported back the bill (S. No. 52,) authorizing the Commissioners of Hancock county to assess additional taxes for bridge purposes, without amendment; and it was

Ordered to be engrossed for its third reading to-morrow.

Mr. Thomas, from the standing committee on the Judiciary, to which was referred the petition of citizens of Stark county, in relation to the publication of an extra number of the laws of Ohio, made the following report, which was agreed to:

The standing committee on the Judiciary, to which was referred the petition of certain citizens of Stark county, asking that an extra number of volumes of the laws of this state be annually printed, and placed in the hands of the respective clerks of the courts of common pleas throughout the state, for sale to those who may be desirous to purchase them, report:

That in the opinion of the committee it is inexpedient to grant the request of the petitioners:

First: Because, if the General Assembly should adopt the measure recommended, very few, if any, of those copies of the laws would be purchased.

Second: The present mode of distributing the laws places them in the hands of every Justice of the Peace in the state, and of several other township officers, so that the wants of every citizen of the state

in this respect, with very little trouble and no expense, may readily be supplied.

Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That the further consideration of the subject be indefinitely postponed, and that the petitioners have leave to withdraw their petition.

Mr. Bartley, from the same committee, to which was referred the petition of Ralph Bingham for divorce, made the following report, which was agreed to, to wit:

The standing committee on the Judiciary, to whom was committed the petition of Ralph Bingham, for a divorce against his wife, Esther Bingham, have ascertained that due notice has not been given by the petitioner, in compliance with the statute in such case made and provided, of the petitioner's intention to present said petition at the present session of the General Assembly. The committee, therefore, ask to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition.

Mr. Taylor, from the standing committee on the Currency, to which had been recommitted the bill (S. No. 42,) to enforce the resumption and continuance of specie payments by the banks within the state of Ohio, with amendments; which were agreed to.

Mr. Stanton moved to amend the bill by adding the following section:

Sec — That in adjusting the affairs of any banking institution in pursuance of this act, or in pursuance of the act for the appointment of a board of bank commissioners, or the acts that have been or hereafter may be passed amendatory thereto, the receiver or receivers appointed by the board, or by the board of bank commissioners, shall pay, first, the necessary expenses of such adjustment: second, the bills, notes and other evidences of debt intended for and put in circulation, and judgments recovered thereon: third, other debts of the institution, not due to the officers and stockholders thereof: fourth, debts due to the stockholders and officers thereof so far as its assets will go.

Mr. Stanton demanded the yeas and nays, on agreeing to the amendment, which were ordered, and were, yeas 10, nays 21, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Foos, Henderson, Sill Stanton, Van Vorhes, Wade and Waddle—10.

Nays—Messrs. Aten, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—21.

So the amendment was rejected.

Mr. Nash asked for a call of the Senate, which was made, and Messrs. Carpenter, Perkins, Root and Thomas, found absent.

On motion of Mr. Godman,

Mr. Carpenter was excused from attendance.

On motion of Mr. Crowell,

Further proceedings under the call were dispensed with.

The question being on ordering the bill to be engrossed for its third reading,

Mr. Taylor demanded the yeas and nays, which were ordered, and were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—23.

Nays—Messrs. Dewey, Ford, Godman, Henderson, Nash, Sill, Van Vorhes, Wade and Waddle—9.

So the bill was

Ordered to be engrossed for its third reading to-morrow.

Mr. McConnell, from the select committee on that subject, reported a bill (S. No. 70,) to authorize the executor of the estate of Robert McConnell to convey certain lots, in the town of McConnellsville, and for other purposes; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 66; A bill to incorporate Steubenville lodge, No. 45, of Free and Accepted Masons, of Steubenville, Ohio;

H. No. 59; A bill to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga.

The following bills were read the third time and passed, to wit:

S. No. 36; An act to amend the act to abolish imprisonment for debt, and the act amendatory thereto;

S. No. 61; An act to vacate part of the state road running from the southeast corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the "county line road;"

S. No. 57; An act to incorporate the First Presbyterian Church of Grand, Marion county;

S. No. 55; An act to restore Leonard L. Bush to his legal rights and privileges.

On the passage of Senate bill No. 55,

Mr. Stanton demanded the yeas and nays; which were ordered, and were, yeas 29, nays 5, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Wade, Waddle and Walton—29.

Nays—Messrs. Henderson, Nash, Stanton, Van Vorhes and Speaker—5.

So the bill passed.

Ordered, That the titles of the foregoing bills be as aforesaid, and that the House be informed thereof.

Mr. Hazeltine presented the fourth annual report of the Columbian County Agricultural Society; which was referred to the standing committee on Agriculture, Commerce and Manufactures.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

H. bill No. 123; A bill to incorporate the Woodland Cemetery Association of Dayton;

H. bill No. 124; A bill to incorporate the Montgomery Turnpike Company.

Attest:

GEO. M. AYRES, *Clerk.*

Mr. Walton offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives requested, to urge the passage of a law refunding to General Andrew Jackson, with interest and costs, the fine of one thousand dollars, imposed on him by the Judge of Louisiana district, in 1815, for an alleged offence against the authority of said Judge.

Resolved, That the Governor of this state be requested to forward to each of our Senators and Representatives in Congress, without delay, a copy of these resolutions.

Mr. Thomas moved to refer the resolution to the committee on the Public Debt; upon which motion, Mr. Taylor demanded the yeas and nays; which were ordered, and were yeas 14, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Root, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, Walton and Speaker—20.

So the motion did not prevail.

Mr. Crowell offered the following amendment, to come in at the end of first resolution:

Also, to pay the claimants for spoliations committed by France upon American merchants, prior to the year 1800.

Mr. Taylor demanded the yeas and nays, on agreeing to the amendment; which, being ordered, were, yeas 5, nays 27, as follows, to wit:

Yeas—Messrs. Crowell, Henderson, Nash, Stanton and Thomas—5.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—27.

So the amendment was rejected.

The question then recurring on the passage of the resolution, Mr. Walton demanded the yeas and nays; which, being ordered, were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the resolutions were agreed to.

On motion of Mr. Root,

The bill (S. No. 50,) to further amend the act entitled, "an act to incorporate the town of Milan," passed February 23, 1833, was taken up, read the third time, and passed.

On motion of Mr. Latham,

The Senate took up Senate bill No. 60, to regulate the proceedings and practice, under the act entitled, "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of Banks within the state of Ohio," and acts amendatory thereto.

Mr. Latham then offered sundry amendments, which were agreed to.

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 30, nays 4, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Van Vorhes, Waddle, Walton, and Speaker—30.

Nays—Messrs. Crowell, Nash, Thomas, and Wade—4.

So the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill No. 58, to repeal the charter of the German Bank of Wooster, and appointing special commissioners to take possession of its assets, reported the same back with sundry amendments.

On motion of Mr. Crowell,

The bill and pending amendments were laid upon the table and ordered to be printed.

On motion of Mr. Crowell,

The Senate resolved itself into committee of the whole, Mr. Wade in the chair, on Senate bill No. 64, fixing the times of holding the courts of Common Pleas, and after some time spent in the consideration thereof, the committee rose and reported the same back with sundry amendments.

On motion of Mr. Nash,

The bill and amendments were recommitted to a select committee

of five; and Messrs. Stanton, Aten, Wade, Foos, and Clark were appointed said committee.

On motion of Mr. Nash,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

TUESDAY, JANUARY 18, 1842.

The Senate met pursuant to adjournment.

Mr. Thomas presented the report of the president and directors of the Urbana, Troy, and Greenville Turnpike Road Company; which was laid on the table.

Mr. Sill presented a petition from citizens of the county of Portage, for an appropriation to the Lunatic Asylum; which was referred to the standing committee on Public Institutions.

Mr. Holmes, from the select committee on that subject, reported a bill (S. No. 71,) to incorporate the St. Xavier's College of Cincinnati; which was read the first time.

Mr. Perkins, from the select committee on that subject, reported a bill (S. No. —,) to incorporate the town of Jamestown, in the county of Greene; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 67; A bill to regulate the mode of collecting debts against turnpike companies, in which the State is a stockholder.

S. No. 68; A bill further to amend the act entitled, "an act providing for the appointment of a board of Bank Commissioners, and for the regulation of banks within the State of Ohio."

S. No. 69; A bill to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county.

S. No. 70; A bill to authorize the executor of the estate of Robert McConnell to convey certain lots, in the town of McConnelsville, and for other purposes.

The following bills were read the third time, and passed, to wit:

H. No. 52; An act to incorporate the town of West Rushville, in the county of Fairfield.

H. No. 54; An act to incorporate the First Regular Baptist Church and Society in Napoleon, Henry county, Ohio.

S. No. 34; An act to amend the act entitled, "an act to authorize Peter Bebee, and his associates, to erect a toll bridge over Federal creek, in the county of Athens."

S. No. 52; An act authorizing the commissioners of Hancock county to assess additional taxes for bridge purposes.

S. No. 63; An act to amend the act entitled, "an act to amend an

act entitled, 'an act to incorporate the Stark county Mutual Insurance Company,' passed March 27, 1841.

Ordered, That their titles be as aforesaid, and that the House be informed thereof.

The bill (S. No. 42,) to enforce the resumption and continuance of specie payments by the banks within the state of Ohio, was read the third time.

Mr. Hazeltine asked for a call of the Senate, which was made, and Messrs. Carpenter, Crowell, Dewey, and Root, were found absent.

On motion of Mr. Hazeltine,

Further proceedings under the call were dispensed with.

On motion of Mr. Hazeltine,

The Senate took a recess until three o'clock, P. M.

The Senate met again at three o'clock, when

Mr. Taylor asked for a call of the Senate, which was made, and Messrs. Carpenter, Clark, Dewey, Latham, Perkins and Waddle, were found absent.

On motion of Mr. Godman,

Mr. Carpenter was excused.

On motion of Mr. Stanton,

Mr. Dewey was excused.

On motion of Mr. Walton,

Mr. Waddle was excused.

On motion of Mr. Taylor,

Mr. Clark was excused.

On motion of Mr. Holmes,

Mr. Perkins was excused.

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

The question being on the passage of the bill, Mr. Taylor demanded the yeas and nays; which were ordered, and were, yeas 24, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton, and Speaker—24.

Nays—Messrs. Ford, Godman, Henderson, Nash, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—10.

So the bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Hazeltine,

The Senate adjourned:

THOMAS J. MORGAN, *Clerk*.

WEDNESDAY, JANUARY 19, 1842.

The Senate met pursuant to adjournment.

Mr. Mitchell presented a petition from 150 citizens of Jefferson county, for a renewal of the charter of the Farmers and Mechanics' Bank of Steubenville; which was

Referred to the standing committee on the Currency.

Mr. Wade presented a petition from citizens of the county of Ashtabula, for aid from the state to the Medical school at Willoughby, in the county of Lake; which was

Referred to the standing committee on Medical Colleges and Universities.

Mr. Wade, also, presented the following petitions, which were referred to the standing committee on the Judiciary, to wit:

A petition from citizens of Geneva, for a law making towns and cities liable for damages done by mobs;

A petition from citizens of the same place, for a modification of the school laws in relation to blacks and mulattoes;

A petition from citizens of the same place, for the repeal of the law prohibiting blacks and mulattoes from bearing testimony in certain cases;

A petition from citizens of the same place, for the repeal of the law relating to fugitives from labor or service of other states; and

A petition from citizens of the same place, for a law securing to every human being the right of trial by jury, in every case where his or her liberty is in question.

Mr. Latham presented a petition from 75 citizens of the county of Ross, for further protection against injury sustained by them from dogs; which was

Referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Henderson presented a petition from the trustees of the original surveyed township 14, of range 14, in the county of Perry, for the sale of a quarter of section 16, in said township; which was

Referred to the standing committee on Schools and School Lands.

Mr. Ritchey, from the select committee on that subject, reported a bill (S. No. 73,) for the relief of Owen Martin and others; which was read the first time.

Mr. Clark, from the select committee on that subject, reported a bill (S. No. 74,) to lay out and establish a State road in the counties of Williams and Lucas; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 71; A bill to incorporate the St. Xavier's College of Cincinnati;

S. No. 72; A bill to incorporate the town of Jamestown, in the county of Greene.

The following bill was read the third time, to wit:

S. No. 60; An act to regulate the proceedings and practice under the act entitled "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the state of Ohio," and the acts amendatory thereto.

Mr. Spangler demanded the yeas and nays on the passage of the bill, which, being ordered, were, yeas 26, nays 6, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Ford, Foos, Godman, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, Walton and Speaker—26.

Nays—Messrs. Crowell, Nash, Sill, Thomas, Wade and Waddle—6.

So the bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

Mr. Hostetter, agreeably to previous notice, introduced a bill (S. No. 75,) to incorporate the First Congregation of Disciples, at Fulton, Stark county; which was read the first time.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the memorial and remonstrances of the members and supporters of the United Protestant German Evangelical Congregation of Cincinnati, on leave, made the following report, which was agreed to:

The standing committee on the Judiciary, to whom were committed the petitions, memorials, and remonstrances of the members and supporters of the United Protestant German Evangelical Congregation, in the city of Cincinnati, relative to the passage of an act to incorporate said church, have had the same under consideration, and now report:

There could be no objection to the passage of an act to incorporate said church, in the usual manner, if the members thereof could agree among themselves on the subject. It seems that a contest has arisen among the members of this religious association in relation to the election of trustees. A board of trustees was elected on the 23d May, 1841, at a meeting of a part of the members of said church; and, afterwards, at another meeting of the members, the said election of trustees was set aside for irregularity, and a new board of trustees elected on the 27th June, 1841. Each of these two different boards are claiming to act for said religious society, from which has arisen a schism among the members of the association dividing them nearly equally in numbers. The first elected board of trustees have instituted a suit against the other board, which is now pending, by appeal, in the supreme court of this state. And the said first elected board of trustees and their friends, now apply for a charter for their association, and the other board and their friends remonstrate against it. The passage of an act of incorporation, at the present session, would be an interfere-

rence, on the part of the legislature, with this church difficulty, and be giving an advantage to one set of the trustees over the other.

The committee, therefore, recommend that the petitions, memorials and remonstrances, be postponed till the first Monday of December next.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time and passed, to which the concurrence of the Senate is requested;

H. No. 44; A bill to confirm and establish the seat of justice for Williams county;

H. No. 75; A bill to extend the corporate limits of Higginsport, in Brown county.

The House has passed Senate bill No. 27, fixing the times of holding the supreme court for the year 1842; with three amendments, to which the concurrence of the Senate is requested.

The House has passed the following preamble and resolution, to which the concurrence of the Senate is requested:

A resolution in relation to a marine hospital at Cleveland.

The House has passed the Senate resolution, in relation to instructing our Senators, and requesting our Representatives, to procure the passage of a law refunding certain moneys to Gen. Andrew Jackson.

Attest:

GID. M. AYRES, Clerk.

The bills of the House were read the first time.

The House resolution respecting the marine hospital, was adopted.

The Senate bill No. 27, with House amendments, was referred to the select committee heretofore appointed upon the subject.

On motion of Mr. Crowell,

The Senate resolved itself into committee of the whole, Mr. Van Vorhes in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills, to wit:

S. No. 62; A bill to explain and amend the act incorporating the city of Cleveland, passed March 5, 1836, and the amendments thereto, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 66; A bill to incorporate Steubenville Lodge No. 46, of Free and Accepted Masons, of Steubenville, Ohio.

Recommitted to the standing committee on Corporations.

Mr. Clark offered for adoption the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be directed to procure, and furnish the county of Van Wert, all such copies of the Ohio Reports, previous to 1837, as she is entitled to; also, a full set of Chase's Statutes, for the use of said county, and forward the same to the clerk of the court of said county.

On motion of Mr. Bartley,

The Senate took up the bill (H. No. 58) to repeal the charter of the German Bank of Wooster, and appointing special commissioners to take possession of its assets.

Mr. Thomas moved to amend the bill by adding the following, as

Sec. 6. The said bank commissioners shall institute the same proceedings as are provided for in this act against the Bank of West Union; and the same proceedings shall be had, in every respect, against the said bank of West Union, as are herein provided for in relation to the German Bank of Wooster, the Miami Exporting Company, the Lebanon Miami Banking Company, the Farmers' Bank of Canton, the Bank of Steubenville, the Bank of Cincinnati, the Bank of Manhattan, the Bank of Gallipolis, and the Bank of Circleville.

Mr. Goodin moved to amend the amendment by adding, at the close thereof, the following, which was agreed to: "and the charters of the several banks above enumerated, be and the same are hereby repealed."

The question recurring on agreeing to the amendment, as amended, Mr. Thomas demanded the yeas and nays; which, being ordered, were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Foos, Mitchell, Perkins, Root, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—14

Nays—Messrs. Aten, Bartley, Carpenter, Clark, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, McConnell, Ream, Ritchey, Robbins, Sill and Taylor—18.

So the amendment was rejected.

Mr. Bartley offered several amendments, which were agreed to.

The preamble to the bill was then agreed to.

Mr. Stanton offered, as an amendment to the bill, the following:

Strike out of the first section as follows: all after the enacting clause, in the first line, to the word "that," in the fourth line, and all other parts of the bill that proposed to repeal the charter of the German Bank of Wooster; provided, however, that nothing herein contained shall be so construed as to prevent the Bank Commissioners from taking possession of the assets of said bank, in the manner prescribed by the act establishing a Board of Bank Commissioners, and the several acts that have been and may hereafter be passed amendatory thereto.

Mr. Stanton demanded the yeas and nays on agreeing to the amendment; which, being ordered, were, yeas 12, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Ford, Godman, Henderson, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—12.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the amendment was rejected.

The question being on ordering the bill to its third reading, Mr. Hazeltine demanded the yeas and nays; which, being ordered, were, yeas 18, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Crowell, Ford, Godman, Henderson, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—12.

So the bill was ordered to its third reading to-morrow.

Mr. Hazeltine offered for adoption the following resolution:

Resolved, That the standing committee on the Currency be instructed to report, at as early a day as practicable, a bill to repeal the charters of the following banking institutions, to wit: The Bank of West Union; the Miami Exporting Company; the Lebanon Miami Banking Company; the Farmers' Bank of Canton; the Bank of Steubenville; the Bank of Manhattan; the Bank of Gallipolis; the Bank of Cincinnati; and also, the act to incorporate the stockholders of the Bank of Circleville, passed January 14, 1818.

Mr. Hazeltine demanded the yeas and nays on agreeing to the resolution; which, being ordered, were, yeas 15, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Harris, Hazeltine, Hostetter, Latham, Mitchell, Ream, Ritchey, Robbins, Spangler, Walton and Speaker—15.

Nays—Messrs. Crowell, Foos, Godman, Henderson, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—11.

So the resolution was adopted.

On motion of Mr. Perkins,

The Senate resolved itself into a committee of the whole Senate, Mr. Wade in the chair, on the orders of the day; and after the consideration thereof, reported back the following bills, to wit:

S. No. 55; A bill to amend "an act to provide for the election and resignation of justices of the peace," passed January 31, 1831, without amendments.

The question being on ordering the bill to be engrossed for its third reading,

Mr. Bartley demanded the yeas and nays; which, being ordered, were, yeas 18, nays 9, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Ford, Godman, Harris, Hazeltine, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Wade, Walton and Speaker—18.

Nays—Messrs. Aten, Barnett, Crowell, Foos, Henderson, Spangler, Stanton, Thomas and Waddle—9.

So the bill was ordered to be engrossed for its third reading to-morrow.

H. No. 59; A bill to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 68; A bill further to amend the act entitled, "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of Banks within the state of Ohio," without amendment.

Mr. Latham offered several amendments, which were agreed to.

On motion of Mr. Thomas;

The bill was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced in the House, and read the first time, to wit:

H. No. 126; A bill to incorporate the town of Jackson, in the county of Jackson;

H. No. 127; A bill to incorporate the First Library Association, in the town of Woodbury, in the county of Richland;

H. No. 128; A bill to amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1833, and the act amendatory thereto;

H. No. 129; A bill supplementary to the act entitled "an act to incorporate the Cingleville and Washington Turnpike Company;

H. No. 130; A bill to incorporate the Donnelsville Library Association, in the county of Clark;

H. No. 131; A bill making special provisions for the sale of section twenty nine, in Sycamore township, in the county of Hamilton;

H. No. 132; A bill to incorporate the Dover Library Association, in the county of Cuyahoga;

H. No. 133; A bill for the relief of Jacob Damer;

H. No. 134; A bill to provide for the effectual punishment of certain crimes, in the county of Scioto;

H. No. 135; A bill to incorporate religious societies, under a general law, on certain conditions.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 67; A bill to incorporate the town of Waverly, in the county of Pike, and State of Ohio;

H. No. 73; A bill to amend the act amendatory of "an act to incorporate the town of Wellsville, in the county of Columbiana," passed February 18, 1834.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Mr. Sill, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have compared and found duly enrolled, the following acts and resolutions; to wit:

H. No. 28; An act to vacate part of the town of Dingmansburg, in the county of Shelby;

H. No. 42; An act to incorporate the First Congregation of Disciples, in Norton, Summit county;

H. No. 36; An act to incorporate the First Baptist Church and Society, in Brownhelm, Lorain county;

H. No. 43; An act to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Juliana Crow, Joseph L. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow,

H. No. 45; An act to incorporate the Evangelical Christian Church of Arnheim, Brown county;

H. No. 45; An act to incorporate the First Christian Church, in the town of Greenville, in the county of Darke;

S. No. 4; An act to incorporate the Methodist Protestant Church and Society, of the township of York, in the county of Medina;

S. No. 5; An act to incorporate St. John's First English Evangelical Church, of Zanesville, in the county of Muskingum;

S. No. 6; An act to incorporate St. Peter's Church, of Norwalk, in Huron county;

S. No. 8; An act to incorporate the First Presbyterian and Congregational Church and Society, of Bazetta, in the county of Trumbull;

S. No. 23; An act to incorporate the First Regular Baptist Church and Society, of New Haven, in Huron county;

Resolution, to admit Benjamin F. Locke, of Lorain county, into the Institution for the Blind;

Preamble and resolution, in relation to specie payments in the State of Michigan;

Preamble and resolution, in relation to specie payments in the State of Kentucky;

Preamble and resolution, in relation to specie payments in the State of Virginia;

Preamble and resolution, in relation to specie payments in the State of Illinois;

Preamble and resolution, in relation to specie payments;

H. No. 35; An act to incorporate the Western Fire Engine and Hose Company of Cincinnati.

Mr. Goodin moved that the Senate adjourn; upon which motion,

Mr. Stanton demanded the yeas and nays; which being ordered, were, yeas 9, nays 21, as follows, to wit:

Yeas—Messrs. Ford, Foos, Goodin, Harris, Leonard, Mitchell, Root, Sill, and Speaker—9.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Godman, Hazeltine, Henderson, Hostetter, Latham, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Thomas, Van Vorhes, Wade, and Walton—21.

So the motion was lost.

Mr. Walton offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That both branches will meet in the Hall of the House of Representatives, on Saturday the twenty second day of January, A. D., 1842, for the purpose of electing two Associate Judges for the county of Guernsey.

Mr. Spangler moved to amend the resolution, by adding, "one Associate Judge for the county of Fairfield;" which was agreed to.

Mr. Aten moved to amend it, by adding, "one Associate Judge for the county of Columbiana;" which was agreed to.

The resolution, as amended, was agreed to.

On motion of Mr. Bartley,

The Senate took up the bill (S. No. 22,) for the punishment of certain crimes and misdemeanors.

Mr. Hazeltine moved that the bill be indefinitely postponed; upon which,

Mr. Mitchell demanded the yeas and nays; which being ordered, were, yeas 7, nays 22, as follows. to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Leonard, Mitchell, Spangler, and Walton—7.

Nays—Messrs. Barnett, Bartley, Crowell, Ford, Foos, Godman, Harris, Henderson, Latham, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Speaker—22.

So the motion was lost.

Pending the consideration of the bill,

On motion of Mr. Hazeltine,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk,*

THURSDAY, JANUARY 20, 1842.

The Senate met pursuant to adjournment.

Mr. Goodin presented a petition from Calvin Stacy, of Seneca county, for the revival of the law allowing the surrender of leases of school section 16; which was

Referred to the standing committee on Schools and School Lands.

Mr. Wade presented a petition from inhabitants, of the county of Ashtabula, for a bounty on cocoons; which was

Referred to the standing committee on Agriculture, Manufactures, and Commerce.

Mr. Root presented a petition from citizens of Berlin, in the county of Erie, for the incorporation of a religious society; which was

Referred to a select committee of one, and Mr. Root appointed that committee.

Mr. Van Vorhes presented a petition from the Trustees of the First Cumberland Presbyterian Church, of Alexander, in the county of Athens, for the incorporation of said Church; which was

Referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Goodin presented a memorial from 102 citizen of the counties of Seneca and Crawford, for the charter of a railroad; which was

Referred to a select committee of one, and Mr. Goodin appointed that committee.

Mr. Walton presented a petition from citizens of the county of Monroe, for a law to inflict punishment for the commission of certain offenses, not now mentioned in the criminal code; which was

Referred to the standing committee on the Judiciary.

Mr. Godman presented a petition from citizens of Tymochtee township, in the county of Crawford, for the sale of section 16, in said township; which was

Laid on the table.

Mr. Hostetter presented a petition from John Harris, in relation to sales under decrees in chancery; which was

Referred to the standing committee on the Judiciary.

Mr. Goodin presented a petition for the incorporation of Trinity Church, in Toledo, Lucas county; which was

Referred to a select committee of one, and Mr. Goodin appointed that committee.

Mr. Spangler presented a memorial from Henry C. Whitman, in relation to the admission to the bar of attorneys at law; which was referred to the standing committee on the Judiciary.

Mr. Latham, from the standing committee on the Currency, reported a bill (S. No. 76) to regulate banking in Ohio; which was read the first time.

Mr. McConnell, from the standing committee on Canals, to which was referred the bill (S. No. 29) to establish the Lewistown Feeder and Reservoir of the Miami Canal, made the following report; which was laid on the table, and the printing dispensed with, to wit:

The standing committee on Canals, to whom was referred Senate bill, No. 29, to establish the Lewistown Feeder and Reservoir of the Miami Canal, have had the same under consideration, and ask leave to report:

The committee are of the opinion that it is inexpedient, at the present time, and under the general and peculiar embarrassments of the country, to authorize the construction of any new works of internal improvement.

• The law authorizing the continuation of the Miami Canal Extension, necessarily, and properly, confers upon the Board of Public Works all the authority necessary to provide for a permanent and ample supply of water, for purposes of navigation, and deem further legislation on the subject unnecessary, to authorize the construction of any reservoir or feeder, for the accomplishment of this object.

The policy of making the Lewistown Feeder navigable, your committee will not undertake to discuss at the present time. They would not, however, wish to be understood as expressing an unfavorable opinion to its merits, at a time less embarrassing than the present.

Entertaining these views, and for the reasons here suggested, your committee recommend that the bill be indefinitely postponed.

Mr. Barnett, from the select committee to which was referred certain memorials, in relation to the Wabash and Erie Canal, and the Extension of the Miami Canal, made the following report; which was laid on the table: . .

The select committee of three, to whom was referred certain memorials in relation to the suspension of the work on the Wabash and Erie canal and the Extension of the Miami canal, report:

That the petitioners set forth in pretty strong terms, the great hardship that must be endured by the laboring class of the community, if these works are suspended. Of this fact the committee are well aware, when they find from the report of the Board of Public Works, that there is due, for labor performed, the sum of four hundred and fifty thousand dollars. They further, as the committee believe, very correctly set forth the very great losses the state must inevitably sustain, if the work is abandoned or even suspended for a time. First: In the great loss there would be in the large amount of destructible materials now on hand for the completion of locks, aqueducts, and other structures. Second: That the state would be liable to contractors for damages they must sustain to a very large amount, in consequence of a cessation of the work.

The committee cannot express their views better as to the consequences of a suspension of these works, without full payment to the contractors, than by using the language of the memorialists in the following extract: "The business and pecuniary interests of all classes of our people are directly or indirectly connected with, and affected by, the operations on the line, and a failure here is the parent of many failures and difficulties elsewhere. Our merchants have liberally supplied the contractors with goods, and our farmers, with produce and other things, on a promise to pay, at estimates, without which, the work must have long since been suspended. And, hence, it will readily ap-

pear, that in a community like ours, where capital is scarce, and especially, at a crisis like the present, when the pecuniary pressure is unusually severe, long delays, and uncertainty in the estimates, operate most severely upon all classes."

One very strong reason in favor of the completion of the Wabash and Erie canal is, that the state, as it is admitted on all hands, will receive, in the shape of tolls, a sum equal to six per cent., on the whole estimated cost of the work—being \$2,647,166 67; whereas, the sum of \$400,000 is all that is required, agreeable to the report of the Board of Public Works, to complete the work. Six per cent. interest on the whole investment requisite to finish this work, amounts to \$158,829 96. It is fair to presume, judging from past experience, that this work will pay, in the shape of tolls, this sum, whereas, the interest on the sum requisite for the completion of the work, is only \$24,000. Thus, the state, would annually sustain a loss of \$134,829 96, which is equal to the completion of the work in less than three years, leaving out of view the disastrous consequences which must ensue from a stoppage of the work in its present unfinished state.

The same reasons will apply in favor of the completion of the Miami Extension. The whole estimated cost of this work is \$2,970 000. The interest of this sum, at six per cent., is \$178,200; whereas, the interest on the sum of \$1,047,912 67, the sum requisite for the completion of this work, is but \$62,874 72. Thus it may be perceived, that the state would annually sustain a loss of \$115,325 28, on this work. The committee concur with the Board of Public Works in the opinion, that if the work shall be suspended for two years, (which, if suspended at all, must continue for that length of time, at least,) the whole loss to the state will be equal to a sum sufficient to complete the work on this line. The Wabash and Erie canal may be completed by the first of July next, and in time for the early fall business.

Of the Miami Extension there are thirty three miles not yet put under contract; but the work upon this part of the line being of easy construction, may be finished at an early period, and at but little cost compared with the residue of the work. Moreover all the work upon this line that has been placed under contract, is now so nearly completed that, with the exception of two or three sections, it might be prepared for navigation as early as the first of August next.

The Board of Public Works very correctly remark, that there is one among the many plans that have been suggested, which is worthy of the consideration of the Legislature—which is the sale of the Wabash and Erie canal lands. (The committee presume the Board of Public Works meant to include in the report,

the Miami canal lands also.) They very prudently state that the lands will not sell so rapidly as to enable the Board to complete the works within a reasonable time, and that it will become necessary to anticipate the sales, by an issue, from time to time, of bonds or scrip, bearing interest and payable periodically. These bonds may be received in payment for lands, and, as the amount will be limited, it is thought that their credit will be sufficient, without making them receivable at the treasury in payment of other dues.

From the report of the standing committee on public lands in the House, of December 28th, 1841, it appears there are lands unsold as follows: 346,391 76-100 acres, which, at four dollars per acre, amounts to \$1,385,567 04.

In view of these premises, and as the only rational means, in the estimation of your committee, within the power of the state, to complete these works in any reasonable time, without sacrificing the bonds of the state; your committee recommend the adoption of the following plan:

First: Let all the work, to be paid in bonds of the state of Ohio, bearing an interest of six per cent.

Second: Have all the canal lands re-appraised, and every six months put them up to public sale. Let none of them be sold for less than their appraised value, and receive the state bonds as issued above, in payment of these lands, allowing to the holder thereof, the interest that may be due thereon.

Third: Any monies received by the receiver of the land office for lands sold, to be applied to lifting these bonds as they may be presented by the contractor; the said land officer to receive them at par.

Fourth: The work done, to be estimated monthly by the agents or engineers of the state. When this is done, the state bonds to be issued in convenient amounts for such work, retaining the usual percentage as a guarantee to the state that the work will be completed.

Fifth: For any debt now due to contractors, and for the completion of these portions under contract, the state bonds, as above, shall be given in payment.

From the character of the reference, the committee did not feel themselves authorized to introduce a bill to carry out the plan which they recommend, but offer for adoption the following resolution:

Resolved, That the standing committee on canals inquire into the expediency of reporting a bill in accordance with the plan proposed in the foregoing report.

Mr. Goodin, from the select committee on that subject, reported the bill (S. No. 77) to incorporate the town of Tiffin, in the county of Seneca; which was read the first time.

Mr. Root, from the select committee on that subject, reported a bill (S. No. 78) to incorporate the First Regular Baptist Church in Berlin, Erie county, Ohio; which was read the first time.

Mr. Stanton, from the select committee on that subject, reported back the bill (S. No. 27) fixing the times of holding the supreme court for the year 1842, and recommended that the Senate disagree to the amendments of the House of Representatives; which report was agreed to.

Mr. Henderson, from the standing committee on Corporations, reported back the bill (S. No. 66) to incorporate Steubenville Lodge, No. 45, of Free and Accepted Masons, of Steubenville, Ohio, without amendment; and it was,

Ordered to be engrossed for its third reading to-morrow.

Mr. Goodin, from the same committee, reported back the bill (H. No. 59) to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga, without amendment; and it was,

Ordered to its third reading to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred the petition of citizens of Lucas county, that the survey of a state road from Maumee, west, may be put on record, asked to be discharged from the further consideration of the same; which was agreed to, and the petitioners had leave to withdraw their petition.

Mr. Stanton, from the select committee on that subject, reported back the bill (S. No. 64) fixing the times of holding the courts of common pleas, with amendments.

Laid on the table and ordered to be printed.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 73; A bill for the relief of Owen Martin and others;

S. No. 74; A bill to lay out and establish a state road in the counties of Williams and Lucas;

S. No. 75; A bill to incorporate the First Congregation of Disciples at Fulton, Stark county;

H. No. 44; A bill to confirm and establish the seat of justice for Williams county;

H. No. 75; A bill to extend the corporate limits of Higginsport, in Brown county;

H. No. 67; A bill to incorporate the town of Waverly, in the county of Pike, and State of Ohio;

H. No. 73; A bill to amend the act amendatory of an act to incorporate the town of Wellsville, in the county of Columbiana, passed February 18, 1834.

The following bills were read the third time and passed, to wit:

• S. No. 65; An act to amend "an act to provide for the election and resignation of justices of the peace," passed January 31, 1831.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

H. No. 58; An act to repeal the charter of the German Bank of Wooster, and appointing special commissioners to take possession of its assets, with sundry amendments.

The question being on the passage of House bill, No. 58.

Mr. Goodin demanded the yeas and nays; which were ordered, and were, yeas 18, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Ford, Foos, Godman, Henderson, Perkins, Stanton, Thomas, Van Vorhes and Wade—10.

So the bill passed.

Ordered, That the title be amended so as to read, "an act to repeal the charter of the German Bank of Wooster, and to close its affairs," and that the House be informed thereof.

Mr. Van Vorhes gave notice, that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill divorcing Ralph Bingham from his wife, Esther Bingham.

On motion of Mr. Latham.

The Senate took up the bill (S. No. 68,) further to amend the act entitled, "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of Banks within the state of Ohio."

The bill received several amendments; when, the question being on ordering the bill to be engrossed,

Mr. Goodin demanded the yeas and nays, which being ordered, were, yeas 16, nays 10, as follows, to wit:

Yeas—Messrs. Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—16.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Godman, Henderson, Perkins, Stanton, Thomas, and Van Vorhes—10.

So the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Wade gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend the act entitled, an act for the appointment of guardians, passed February 6, A. D., 1824.

On motion of Mr. Stanton,

The Senate resolved itself into committee of the whole, Mr. Walton in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills, to wit:

H. No. 73; a bill to amend the act amendatory of an act to incor-

porate the town of Wellsville, in the county of Columbiana, passed February 18, 1834; without amendment.

Recommitted to the standing committee on Corporations.

H. No. 67; A bill to incorporate the town of Waverly, in the county of Pike, and state of Ohio; without amendment.

Recommitted to the standing committee on Corporations.

H. No. 44; A bill to confirm and establish the seat of justice of Williams county; without amendment.

Recommitted to the standing committee on New Counties.

H. No. 75; A bill to extend the corporate limits of Higginsport, in Brown county; without amendment.

Recommitted to the standing committee on Corporations.

S. No. 67; A bill to regulate the mode of collecting debts against turnpike companies, in which the state is a stockholder; without amendment.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Stanton,

The Senate took up Senate bill No. 22, for the punishment of certain crimes and misdemeanors.

The question occurred upon the adoption of the following amendment, offered by Mr. Latham:

Amend the 10th section, by striking out in the 7th and 8th line, all after the words "conviction thereof," to the words "three months;" and insert, "be sent to school by his parent or guardian and kept there at least."

The question being taken, the amendment was rejected.

Mr. Hazeltine moved to recommit the bill to the standing committee on the Judiciary, with instructions to so amend the 10th and 11th sections of said bill as to render the parents and guardians of minor trespassers liable in treble damages to the party injured by such minor, with costs of suit, and to provide for the collection of the same.

A division of the question being called for, it turned on recommitting the bill to the Judiciary committee.

Mr. Hazeltine demanded the yeas and nays, which being ordered, were, yeas 15, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Clark, Goodin, Hazeltine, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Wade, Waddle, Walton, and Speaker—15.

Nays—Messrs. Barnett, Bartley, Crowell, Ford, Foos, Godman, Harris, Henderson, Perkins, Robbins, Root, Sill, Stanton, Thomas, and Van Vorhes—15.

So the Senate refused to recommit.

Mr. Ford asked for a call of the Senate, which was made, and Messrs. Carpenter, Dewey, Godman, Holmes, and Leonard, found absent.

On motion of Mr. Clark,

Mr. Carpenter was excused.

On motion of M^r. Mitchell,

Mr. Dewey was excused.

On motion of Mr. Walton,

Mr. Holmes was excused.

On motion of Mr. Clark,

Mr. Leonard was excused.

On motion of Taylor,

Mr. Godman was excused.

Mr. Hazeltine moved the following amendment to the bill:

Section 10, line 1; strike out from the word "wilfully," to the word twenty five cents, costs, inclusive, and insert, "steal and carry away from the premises of another, money, goods, or chattels, to the value of one dollar."

Mr. Taylor moved that the further consideration of the bill be indefinitely postponed; upon which motion,

Mr. Thomas demanded the yeas and nays, which, being ordered, were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Clark, Foos, Hazeltine, Hostetter, Latham, Mitchell, Ream, Spangler, Taylor, Waddle, and Walton—12.

Nays—Messrs. Barnett, Bartley, Crowell, Ford, Godman, Goodin, Harris, Henderson, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Speaker—20.

So the motion was lost.

The question then recurring on Mr. Hazeltine's amendment,

Mr. Godman demanded the yeas and nays, which, being ordered, were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Clark, Foos, Goodin, Hazeltine, Latham, Mitchell, McConnell, Ream, Spangler, Taylor, Wade, Waddle, Walton, and Speaker—14.

Nays—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Godman, Harris, Henderson, Hostetter, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, and Van Vorhes—18.

So the amendment was rejected.

Mr. Waddle moved to amend the 10th section, as follows:

Strike out all after the word "punished," in the 7th line, and insert: "by the constable of the proper township, administering to the offender a dose of Brandreth's pills."

Mr. Thomas demanded the yeas and nays, which, being ordered, were, yeas 5, nays 27, as follows:

Yeas—Messrs. Hazeltine, Latham, Taylor, Wade, and Waddle—5.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Ford, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Walton, and Speaker—27.

So the amendment was rejected.

Mr. Walton moved to strike out the 10th section; upon which motion,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Clark, Foes, Goodin, Hazeltine, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Wade, Waddle, Walton, and Speaker—17.

Nays—Messrs. Barnett, Bartley, Crowell, Ford, Godman, Harris, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, and Van Vorhes—15.

So the motion prevailed.

On motion of Mr. Walton,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler, it was

Resolved, by the Senate and House of Representatives, That four thousand copies of the fifteenth annual report of the trustees of the Ohio Asylum for the Deaf and Dumb be printed for the use of the members of this General Assembly, of which five hundred copies shall be for the use of the Trustees and Principal.

On motion of Mr. Goodin,

The Senate took up the fifth annual report of the Board of Public Works.

On motion of Mr. Goodin,

So much thereof as relates to the expenditures, receipts, and further appropriations, was referred to the standing committee on Finance.

On motion of Mr. Goodin,

The report was laid on the table.

On motion of Mr. McConnell, it was

Resolved, That the Board of Public Works be requested to communicate to the Senate, whether, in their opinion, the amendments to the charter of the Portsmouth Dry Dock and Steamboat Basin Company, contained in bill No. 59, of the Senate, will be prejudicial or otherwise, to the interests of the state; and if prejudicial, to state the general nature of the provisions necessary to guard those interests. And, also, to state their opinion of the improvements now making by said company at the southern termination of the Ohio canal, in reference to the facilities thereby afforded to the commerce of said canal.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Waddle in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, to wit:

S. No. 69; A bill to incorporate the Newark St John's German Evangelical Protestant Church of Licking county; without amendment.

On motion of Mr. Taylor,

The bill was laid upon the table.

S. No. 71, A bill to incorporate the St. Xavier's College; without amendment.

On motion of Mr. Mitchell,

The bill was laid upon the table.

On motion of Mr. Harris,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, Clerk.

FRIDAY, JANUARY 21, 1842.

The Senate met pursuant to adjournment.

Mr. Hostetter presented a petition from citizens of the county of Stark, praying for an amendment to the poor house law; which was referred to a select committee of one, and Mr. Hostetter appointed that committee.

Mr. Goodin presented a petition from Sophia Young, for a divorce from her husband; which was referred to the standing committee on the Judiciary.

Mr. Ritchey presented a memorial from William Slade, jr., Esq., in relation to an amendment to the chancery law; which was referred to the standing committee on the Judiciary.

Mr. Clark presented a petition from citizens of the county of Lucas, for the appointment of commissioners to lay out and establish a state road from Toledo, west, through the counties of Lucas and Williams; which was referred to a select committee of one, and Mr. Clark appointed that committee.

Mr. Clark, also, presented a petition from citizens of the county of Williams, on the same subject; which was referred to the same committee.

Mr. Clark, also, presented a petition from citizens of Amboy township, in the county of Lucas, for the sale of section number 16, in said township; which was referred to a select committee of one, and Mr. Clark appointed that committee.

Mr. Godman presented a remonstrance from 85 citizens of the county of Marion, against the erection of the new county of Marshall; which was referred to the standing committee on New Counties.

Mr. Henderson presented a memorial of Isaac Dillon, in relation to his claim; which was referred to the standing committee on Canals.

Mr. Root presented a petition from citizens of the county of Erie, praying that the "mile strip," in that county, may be attached to the county of Huron; which was referred to the standing committee on New Counties.

Mr. Waddle, from the standing committee on Roads and Highways, to which had been referred so much of the unfinished business as relates to a graded state road in the counties of Morgan and Muskingum, reported the following bill:

S. No. 80; A bill to lay out and establish a graded state road in the counties of Morgan and Muskingum; which was read the first time.

Mr. Bartley, from the standing committee on the Judiciary, reported the following bill; which was read the first time:

S. No. 79; A bill to incorporate the trustees of the Ohio Wesleyan University.

Mr. Henderson, from the standing committee on Corporations, to which was recommitted House bill No. 67, to incorporate the town of Waverly, in the county of Pike, and state of Ohio, reported the same back, and recommended that the bill be read the third time.

Ordered to its third reading on to-morrow.

Mr. Goodin, from the standing committee on Corporations, to which was recommitted House bill No. 75, to extend the corporate limits of Higginsport, in Brown county, reported the same back, and recommended that the bill be read the third time.

Ordered to its third reading on to-morrow.

Mr. Ritchey, from the standing committee on New Counties, to which was recommitted House bill No. 11, to establish permanently the seat of justice for Summit county, reported the same back without amendment.

The question occurring on ordering the bill to its third reading,

Mr. Harris moved that the bill be recommitted to the standing committee on New Counties, with instructions to report a bill to provide for a review and relocation of the seat of justice for Summit county.

Mr. Hazeltine called for a division of the question, and demanded the yeas and nays on recommitting, which being ordered, were, yeas 13, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Foos, Godman, Goodin, Harris, Nash, Perkins, Ream, Robbins, Root, Sill, Stanton and Van Vorhes—13.

Nays—Messrs. Aten, Bartley, Carpenter, Clark, Crowell, Ford, Hazeltine, Henderson, Hostetter, Mitchell, McConnell, Ritchey, Spangler, Taylor, Thomas, Wade, Waddle, Walton and Speaker—19.

So the motion was lost.

The question being on ordering the bill to its third reading,

Mr. Spangler demanded the yeas and nays, which being ordered, were, yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Crowell, Ford, Hazeltine, Mitchell, McConnell, Ritchey, Spangler, Taylor, Thomas, Wade, Walton and Speaker—15.

Nays—Messrs. Barnett, Carpenter, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Nash, Perkins, Ream, Robbins, Root, Sill, Stanton, Van Vorhes and Waddle—17.

So the Senate refused to order the bill to its third reading.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted the bill (S. No. 59,) declaratory of the forty sixth section of the act entitled, "an act relating to wills," reported back the same with one amendment, which was agreed to, and the bill

Ordered to be engrossed for its third reading to-morrow.

Mr. Walton, from the select committee on that subject, reported a bill (S. No. 81,) to appropriate a portion of the literary fund to the Monroe Academy; which was read the first time.

14—S. J.

Mr. Goodin, from the select committee on that subject, reported a bill (S. No. 82,) to incorporate the Wardens and Vestry of Trinity Church in Toledo, Lucas county; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 76; A bill to regulate banking in Ohio;

S. No. 77; A bill to incorporate the town of Tiffin, in the county of Seneca;

S. No. 78; A bill to incorporate the First Regular Baptist Church in Berlin, Erie county, Ohio.

The following bills were read the third time and passed, to wit:

S. No. 68; An act further to amend the act entitled, "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the State of Ohio.

Mr. Mitchell asked for a call of the Senate, which was made, and Messrs. Carpenter, Dewey, Holmes, and Leonard, found absent.

On motion of Mr. Henderson,

Further proceedings under the call were dispensed with.

The question being on the passage of Senate bill No. 68,

Mr. Hazeltine demanded the yeas and nays, which were ordered, and were, yeas 17, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the bill passed.

S. No. 66; An act to incorporate Steubenville Lodge, No. 45, of Free and Accepted Masons of Steubenville, Ohio.

On the passage of the bill, Mr. Wade demanded the yeas and nays, which were ordered, and were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Godman, Harris, Hazeltine, Henderson, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Van Vorhes, Waddle and Speaker—17.

Nays—Messrs. Crowell, Ford, Foos, Goodin, Nash, Perkins, Robbins, Root, Sill, Stanton, Taylor, Thomas, Wade and Walton—14.

So the bill passed.

H. No. 59; An act to incorporate the Chagrin Falls Mechanic's Library Association, in the county of Cuyahoga.

Ordered, That the titles of the foregoing bills be as aforesaid, and that the House of Representatives be informed thereof.

Mr. Wade, agreeably to previous notice, introduced a bill, (S. No. 83,) to amend the act entitled, an act for the appointment of guardians, passed February 6, 1824; which was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 76; A bill to repeal the act to incorporate the town of Hillsborough, in the county of Highland;

H. No. 77; A bill for the relief of William W. Hamilton.

The following bills have been reported to the House and read the first time, to wit:

H. No. 136; A bill to divorce Mason Brown from his wife Hannah Brown;

H. No. 137; A bill to divorce John A. Ackley, from his wife Caroline Ackley;

H. No. 138; A bill to incorporate Columbia Lodge, No. 44, of Free and Accepted Masons;

H. No. 139; A bill to incorporate the German Methodist Episcopal Church of Marietta, in Washington county;

H. No. 140; A bill to incorporate the First Regular Baptist Church of Green township, Richland county;

H. No. 141; A bill to adopt the surveyed route of the contemplated Central Canal, as one of the public works of the state;

H. No. 142; A bill to amend an act entitled, "an act for the inspection of certain articles therein enumerated," passed March 9, 1831;

H. No. 143; A bill to change the time of the annual meeting of the General Assembly.

Attest

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. bill No. 69; To incorporate the First Presbyterian Church of Berlin township, in Delaware county.

H. bill No. 70; To incorporate the First Presbyterian Church of Liberty township, in Delaware county.

The House has agreed to the Senate resolution in relation to the election of certain officers, with amendments.

The House has agreed to the Senate resolution in relation to printing the report of the directors and superintendent of the Asylum for the Deaf and Dumb.

The following bills have been reported to the House, and read the first time, to wit:

H. bill No. 144; To further amend the act entitled, "an act to regulate the judicial courts."

H. bill No. 145; To amend an act entitled, "an act for the punishment of certain crimes," passed March 7, 1835.

Attest:

GIN. M. AYRES, *Clerk.*

The bills of the House were read the first time.

The Senate resolution, in relation to the election of certain officers, together with the House amendments thereto, were laid upon the table.

Mr. Goodin moved that the vote of the Senate, refusing to order the bill (H. No. 11,) to establish permanently the seat of justice of Summit county, to its third reading, be reconsidered.

On motion of Mr. Spangler,

The motion to reconsider was laid on the table.

On motion of Mr. Stanton,

The report of the standing committee on Canals, on Senate bill No. 29, to establish the Lewistown Feeder and Reservoir of the Miami canal, was taken up.

The question being on agreeing to the recommendation of the committee, that the further consideration of the bill be indefinitely postponed,

Mr. Stanton demanded the yeas and nays; which were ordered, and were, yeas 24, nays 5, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Wade, Walton and Speaker—24.

Nays—Messrs. Barnett, Latham, Stanton, Thomas and Waddle—5.

So the further consideration of the bill was indefinitely postponed.

The Speaker presented the report of the commissioners of the Ohio Canal Fund for 1842; which was laid on the table.

Mr. Stanton offered a resolution instructing the Board of Public Works not to make a reservoir for the Miami Canal at Lewistown, covering more than 1,000 acres of land.

On motion of Mr. Root,

The resolution was referred to the standing committee on Canals.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Aten in the chair, on Senate bill No. 70, to authorize the executors of the estate of Robert McConnell to convey certain lots, in the town of McConnellsville, and for other purposes; and after some time spent in consideration thereof, the committee rose and reported the same back without amendment.

Recommitted to the standing committee on the Judiciary.

Mr. Waddle offered for adoption a preamble and resolution, in relation to inquiring into the propriety of placing Clark, who is charged with the murder of one of the guards in the Ohio Penitentiary, in the Lunatic Asylum, that his sanity may be fully tested.

On motion of Mr. Spangler,
The preamble and resolution were laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills of the House, to which the signature of the Speaker of the Senate is requested:

H. bill No. 23; An act to vacate part of the town of Dingmansburgh, in the county of Shelby.

H. bill No. 35; An act to incorporate the Western Fire Engine and Hose Company of Cincinnati.

H. bill No. 36; An act to incorporate the First Baptist Church and Society in Brownhelm, Lorain county.

H. bill No. 42; An act to incorporate the First Congregation of Disciples in Norton, Summit county.

H. bill No. 43; An act to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Julianna Crow, Joseph L. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow.

H. bill No. 45; An act to incorporate the Evangelical Christian Church of Arnheim, Brown county.

H. bill No. 49; An act to incorporate the First Christian Church in the town of Greenville, in the county of Darke.

The following bills of the Senate have been signed by the Speaker of the House, to which the signature of the Speaker of the Senate is requested.

S. bill No. 4; An act to incorporate the Methodist Protestant Church and Society of the township of York, in the county of Medina.

S. bill No. 5; An act to incorporate St. John's First English Evangelical Church of Zanesville, in the county of Muskingum.

S. bill No. 6; An act to incorporate Saint Peter's Church of Norwalk, in Huron county.

S. bill No. 8; An act to incorporate the First Presbyterian and Congregational Church and Society of Bazetta, in the county of Trumbull.

S. bill No. 23; An act to incorporate the First Regular Baptist Church and Society of New Haven, in Huron county.

The following resolutions of the House have been signed by the Speaker of the House, to which the signature of the Speaker of the Senate is requested.

A resolution to admit Benjamin F. Locke, of Lorain county, into the institution for the blind.

Preamble and resolutions in relation to specie payments, to be forwarded to the legislature of the state of Pennsylvania.

Preamble and resolutions, in relation to specie payments in the state of Illinois.

Preamble and resolutions, in relation to specie payments in the state of Michigan.

Preamble and resolutions, in relation to specie payments in the state of Kentucky.

Preamble and resolutions, in relation to specie payments in the state of Virginia.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker signed the above enrolled bills and resolutions.

On motion of Mr. Nash,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

SATURDAY, JANUARY 22, 1842.

The Senate met pursuant to adjournment.

Mr. Nash presented the following petitions; which were

Referred to the standing committee on Canals, to wit:

A remonstrance from 97 citizens, of Portsmouth, against the passage of the bill to amend the charter of the Portsmouth Dry Dock and Steamboat Basin Company;

A remonstrance from 124 citizens, of the county of Scioto, against the passage of the same bill;

A remonstrance from 103 citizens, of Portsmouth, against the same;

A remonstrance from 115 citizens, of the county of Ross, against the same;

A remonstrance from 68 citizens, of the county of Pike, against the same;

A remonstrance from 55 citizens, of Portsmouth, against the same.

Mr. Wade presented the following petitions; which were

Referred to the standing committee on the Judiciary, to wit:

A petition from citizens of Jefferson, in the State of Ohio, for the repeal of the law prohibiting blacks and mulattoes from bearing testimony in certain cases;

A petition from citizens of the same place, for a law securing to every human being a trial by jury in cases wherein liberty is concerned;

A petition from citizens of the same place, for the repeal of the law relating to fugitives from labor, or service of other States;

A petition from citizens of the same place, for a modification of the school laws in relation to blacks and mulattoes;

A petition from citizens of the same place, for a law making towns and cities liable for damages done by mobs.

Mr. Taylor presented a remonstrance from citizens of Fallsbury township, in the county of Licking, against any legislation with regard to school districts in said township; which was

Referred to the standing committee on Schools and School Lands.

Mr. Gill presented a memorial from a committee of the Western Literary Institute and College of Professional Teachers; which was laid on the table.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 70, to authorize the executor of the estate of Robert McConnell to convey certain lots, in the town of McConnellsville, and for other purposes, reported the same back without amendment, and recommended its engrossment for the third reading on Monday next; which was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred so much of the late report of the Directors and Warden of the Ohio Penitentiary as relates to the payment of the costs of conviction and transportation of prisoners, made the following report, and asked leave to be discharged from the further consideration of the subject:

The standing committee on the Judiciary, to whom was committed so much of the late report of the Directors and Warden of the Ohio Penitentiary, as relates to the payment of the costs of conviction and transportation of prisoners, have had the same under consideration and now report:

The committee cannot conceive how "injustice" can be done to the state in the particular complained of, unless it be by the extravagant and illegal taxation of costs. And, although this may occasionally occur, either through the mistake or dishonesty of the sheriff and clerk of the court, yet the existing laws afford ample remedy against this evil. And it is the duty of the Warden of the Penitentiary, where he has reason to suspect that the state has been thus imposed upon, either to inquire into the matter himself, or call upon the prosecuting attorney of the proper county, whose duty it is made by law, to protect the interests of the state in this particular.

It is suggested that the counties should be required to refund to the state the costs of conviction and transportation, in cases where prisoners are discharged from the penitentiary, upon a reversal of the proceedings of the common pleas, upon writ of error by the supreme court. The costs in such cases have to be paid; and they would be felt more severely by the counties than by the state. These costs accrue in causes instituted by the authority of the state, and in the name and on behalf of the state, and not by the authority, or in the name, or on behalf of any county. The state, therefore, upon the decision of a writ of error in such cases, is the failing party, and should be responsible for the costs. The error, upon which the proceedings are reversed, is the error of the judges of the court—officers elected by the state, and not by the county. No county ought to be made responsible for the errors of state officers. To compel a county, therefore, to refund the costs, where the proceedings are reversed upon the error of the court, would be to make the counties responsible for the errors of officers, over whom the counties have no con-

vet, and whose appointment and removal from office is left entirely to the state authorities.

The committee, therefore, ask to be discharged from the further consideration of the subject.

On motion of Mr. Bartley,

The report was laid upon the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 67, to regulate the mode of collecting debts against turnpike companies, in which the State is a stockholder, reported the same back without amendment, and recommended the engrossment of the bill.

Mr. Nash moved to recommit the bill to the committee that reported it, with instructions to so amend the bill, that in cases where the State is in arrear for unpaid subscriptions on behalf of the State, the company, to which the State is so in arrear, shall retain the portion of tolls coming to the State, and apply the same to the liquidating of State subscriptions to such company.

Mr. Taylor called for a division of the question; which turning on recommitting the bill to the committee which reported it,

Mr. Ford demanded the yeas and nays; which being ordered, were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Hazeltine, Latham, McConnell, Nash, Perkins, Ritchey, Sill, Stanton, Thomas, and Waddle—12.

Nays—Messrs. Aten, Bartley, Crowell, Ford, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Mitchell, Ream, Robbins, Root, Spangler, Taylor, Van Vorhes, Wade, Walton, and Speaker—20.

So the motion was lost.

Mr. Hazeltine moved to recommit the bill to a select committee of three, with instructions so to amend the bill as to apply the State's proportion of dividends to the payment of debts against such companies as have acted honestly, and in good faith, and that now have good and valid claims against the State for stock subscribed, and still remaining unpaid to the amount of such indebtedness of the State.

Mr. Ford called for a division of the question, and it turning on recommitting,

Mr. Spangler demanded the yeas and nays; which were ordered, and were, yeas 11, nays 21, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Hazeltine, Latham, McConnell, Nash, Perkins, Ritchey, Sill, Stanton, and Thomas—11.

Nays—Messrs. Aten, Bartley, Crowell, Ford, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Mitchell, Ream, Robbins, Root, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton, and Speaker—21.

So the Senate refused to recommit the bill.

Mr. Barnett moved to amend the bill, as follows:

Section one, line seven, after the word "road," strike out all to the word "and" in the ninth line; upon which motion,

Mr. Ford demanded the yeas and nays; which being ordered, were, yeas 10, nays 21, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Hazeltine, Latham, McConnell, Perkins, Ritchey, Sill, Stanton, and Thomas—10.

Nays—Messrs. Aten, Bartley, Ford, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Mitchell, Nash, Ream, Robbins, Root, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton, and Speaker—21.

So the amendment was rejected.

Mr. Hazeltine moved to lay the bill on the table; upon which motion,

Mr. Spangler demanded the yeas and nays; which being ordered, were, yeas 11, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Hazeltine, Latham, McConnell, Nash, Perkins, Ream, Ritchey, Sill, Stanton, and Thomas—11.

Nays—Messrs. Aten, Bartley, Clark, Ford, Foos, Godman, Goodin, Harris, Henderson, Hostetter, Mitchell, Robbins, Root, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton, and Speaker—20.

So the motion was lost.

The question then being on ordering the bill to be engrossed for its third reading, the yeas and nays were demanded, and being ordered, were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Crowell, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Mitchell, Ream, Robbins, Root, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton, and Speaker—23.

Nays—Messrs. Barnett, Latham, McConnell, Nash, Perkins, Ritchey, Sill, Stanton, and Thomas—9.

So the bill was ordered to be engrossed for its third reading on Monday next.

Mr. Ritchey, from the standing committee on New Counties, to which was referred the bill (H. No. 44,) to confirm and establish the seat of justice for Williams county, reported back the same without amendment, and it was ordered to its third reading on Monday.

Mr. Hostetter, from the select committee on that subject, reported a bill, (S. No. 84,) to provide for the election of directors of the poor; which was read the first time.

Mr. Latham, from the select committee on that subject, reported a bill (S. No. 85,) to incorporate the town of Bourneville; which was read the first time.

Mr. Van Vorhes, from the select committee on that subject, reported a bill (S. No. 86,) to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 79; A bill to incorporate the Trustees of the Ohio Wesleyan University;

S. No. 80; A bill to lay out and establish a graded State road in the counties of Morgan and Muskingum;

S. No. 81; A bill to appropriate a portion of the Literary Fund to the Monroe Academy;

S. No. 82; A bill to incorporate the Wardens and Vestry of Trinity Church, in Toledo, Lucas county;

S. No. 83; A bill to amend the act entitled "an act for the appointment of guardians," passed February 6, 1824;

H. No. 76; A bill to repeal the act incorporating the town of Hilleborough, in the county of Highland;

H. No. 77; A bill for the relief of William H. Hamilton;

H. No. 69; A bill to incorporate the First Presbyterian Church of Berlin township, in Delaware county;

H. No. 70; A bill to incorporate the First Presbyterian Church of Liberty township, in Delaware county.

The following bills were read the third time and passed, to wit:

S. No. 58; An act declaratory of the forty sixth section of the act entitled "an act relating to wills;

H. No. 67; An act to incorporate the town of Waverly, in the county of Pike, and state of Ohio;

H. No. 75; An act to extend the corporate limits of Higginsport, in Brown county.

Ordered, That their titles be as aforesaid, and that the House be informed thereof.

On motion of Mr. Spangler;

The Senate took up Senate bill No. 64, fixing the times of holding the courts of common pleas.

On motion of Mr. Spangler,

The bill was then committed to a committee of the whole Senate, and made the order of the day for this day.

On motion of Mr. Hazeltine,

The Senate resolved itself into committee of the whole, Mr. Barnett in the chair, on Senate bill No. 64, fixing the times of holding the courts of common pleas, and after some time spent in the consideration thereof, the committee rose, and reported the same back, with sundry amendments; which were agreed to.

On motion of Mr. Wade,

The bill was further amended.

On motion of Mr. Bartley,

The bill was further amended.

On motion of Mr. Thomas,

The ninth section was stricken from the bill.

On motion of Mr. Nash,

The bill was further amended.

Mr. Walton moved that the bill be engrossed for its third reading to-day; which motion was laid on the table.

On motion of Mr. Harris,

The Senate resolved itself into committee of the whole, Mr. Clark in the chair, on Senate bill No. 74, to lay out and establish a state road in the counties of Williams and Lucas, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on Roads and Highways.

Mr. Sill offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the Faculty of the Columbus Academical and Collegiate Institute be allowed to use the state library, under the same regulations that govern the use of said library by the several public institutions of the state.

On motion of Mr. Bartley,

The resolution was indefinitely postponed.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Crowell in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills, to wit:

H. No. 69; A bill to incorporate the First Presbyterian Church of Berlin township, in Delaware county, without amendment.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on Corporations.

H. No. 70; A bill to incorporate the First Presbyterian Church of Liberty township, in Delaware county, without amendment.

On motion of Mr. Godman,

The bill was laid on the table.

H. No. 76; A bill to repeal the act incorporating the town of Hillsborough, in the county of Highland, without amendment.

Recommitted to the standing committee on the Judiciary.

H. No. 77; A bill for the relief of Wm. H. Hamilton, without amendment.

Mr. Taylor moved that the further consideration of the bill be indefinitely postponed; on which motion,

Mr. Root demanded the yeas and nays; which, being ordered, were, yeas 22, nays 8, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, McConnell, Nash, Perkins, Ream, Root, Spangler, Taylor, Van Vorhes, Waddle, Walton and Speaker—22.

Nays—Messrs. Clark, Hostetter, Latham, Mitchell, Robbins, Sill, Stanton and Wade—8.

So the further consideration of the bill was indefinitely postponed.

Mr. Nash moved that the Senate adjourn; on which motion,

Mr. Goodin demanded the yeas and nays; which, being ordered, were, yeas 15, nays 15, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Godman, Harris, Hazeltine, Hostetter, McConnell, Nash, Ream, Root, Spangler, Taylor, Waddle and Speaker—15.

Nays—Messrs. Aten, Barnett, Ford, Foos, Goodin, Henderson, Latham, Mitchell, Perkins, Robbins, Sill, Stanton, Van Vorhes, Wade and Walton—15.

So the Senate refused to adjourn.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Ford in the chair, on Senate bill No. 72, to incorporate the town of Jamestown, in the county of Greene, and after some time spent in the consideration thereof, the committee rose and reported the same back with one amendment.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on Corporations, with instructions to strike out all after the enacting clause, and report a bill conforming to the general laws in relation to incorporated towns.

Mr. Aten, from the joint standing committee on Enrolment made the following report:

The joint committee on Enrolment have examined, and found correctly enroled, the following act and resolution, viz:

Senate, No. 24; An act to amend the act entitled, "an act to incorporate the town of Athens," passed January 24, 1828.

A resolution of instruction.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 51; To authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson;

H. No. 53; To amend the act of incorporation of the town of Felicity, in Clermont county;

H. No. 71; To authorize the sale of school section number sixteen, in Townsend township, in the county of Sandusky.

The following bills of the Senate have been read the third time and passed, No. 26, with, and No. 33, without amendment:

S. No. 26; To incorporate the Philomathean Literary Society of the Monroe Academy;

S. No. 33; To repeal a part of the act entitled, "an act for the relief of Stephen D. Cutler, and others," passed March 25, 1841.

The following bill of the Senate has been indefinitely postponed:

S. No. 32; To amend the act entitled, "an act to incorporate the Dayton and Covington Turnpike Road Company.

Attest:

GID. M. AYRES, *Clerk*.

The bills of the House were read the first time.

The House amendment to Senate bill No. 26, was agreed to.

On motion of Mr. Root,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

MONDAY, JANUARY 24, 1842.

The Senate met pursuant to adjournment.

Mr. Nash presented a remonstrance from 175 citizens of the county of Scioto, against the bill to amend the charter of the Portsmouth Dry Dock and Steamboat Basin Company; which was

Referred to the standing committee on Canals.

Mr. McConnell presented a memorial from the Salt manufacturers, &c., of the Muskingum and Hocking valleys; which was

Laid on the table.

Mr. Clark presented a petition from citizens of Royalton township, in the county of Lucas, for an extension of the time for the sale of school section 16, in said township; which was

Referred to a select committee of one, and Mr. Clark appointed that committee.

Mr. Ritchey presented a petition from citizens of the county of Muskingum, for a law to authorize the commissioners of said county to borrow money of the fund commissioners, for the construction of a bridge over Jonathan's creek; which was

Referred to the standing committee on Roads and Highways.

Mr. Ream presented a petition from inhabitants of the county of Tuscarawas, for a law to encourage the culture of silk; which was

Referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Spangler presented a petition from citizens of the county of Licking, for the incorporation of a bank to be called the Licking County Bank; which was

Referred to the standing committee on the Currency.

Mr. Stanton presented the proceedings of a public meeting, at Lewistown, in the county of Logan, in relation to the Lewistown reservoir; which was

Referred to the standing committee on Canals.

Mr. Goodin, from the standing committee on Corporations, to which was referred the bill (S. No. 72,) to incorporate the town of Jamestown, in the county of Greene, reported back the same with two amendments, and the bill and amendments were recommitted to the same committee.

Mr. Hazeltine, from the standing committee on Agriculture, Commerce and Manufactures, to which was referred the petitions for a law to encourage the culture of silk, made the following report:

The standing committee on Agriculture, Manufactures, and Commerce, to which was referred the petitions of sundry citizens of this state, praying for the passage of a law for the encouragement of the culture of silk and cocoons, have had the same under consideration, and now ask leave to report:

Your committee are by no means insensible to the growing importance of this subject, and, therefore, they have bestowed upon it that careful consideration which the important principles involved would seem to demand.

Believing, as your committee do, that the true principle of civil government consists in extending *equal* protection to *all*, and granting *special privileges* to *none*, we cannot consent to a violation of this principle, by recommending the passage of a law that must necessarily impose a burden upon the many for the benefit of the few; or, in other words, that will in its operation, tend to benefit one class of labor, by taxing other kinds of productive industry.

But the advocates of this policy insist, that the people, thus taxed, will be more than compensated in the reduced price at which they will be enable to purchase their silks.

We take two exceptions to this view of the subject: the first of which is, that a large class of persons upon whom this tax must operate, are comparatively but little benefitted in the purchase of an article, the consumption of which is, with them, very limited, thus creating an inequality between the burden and the benefit; and the second is, that if it could operate equally, we cannot see what benefit can result to the people, by taking money from their pockets by a tax, for the purpose of placing it on their backs in the shape of silks.

Besides, it must be recollected, that the officers who collect and disburse this money must be paid for their services, which must (be the amount more or less,) fall as dead loss upon all parties concerned, except the officer himself; and, inasmuch as we believe that those who earn their money as the price of their own toil are the best judges of the objects for which it should be disbursed, we prefer leaving it in their own hands in order that each may be his own disbursing agent, and apply the earning of his own hands to such objects as he alone may deem proper.

Should the legislature recognize the principle, that legislative interference is justifiable for the protection of one class of labor, we know not why the same principle would not apply with equal justice to other and all classes of productive industry.

If the principle be right, we know not why the grower of fine wool, the feeder of imported or superior stock, the cultivator of choice grapes, or the manufacturer of fine linen, as, also, the husbandman who, by his superior skill, can raise the heaviest wheat, the best corn, or the largest potatoes, could not, with the same propriety, claim legislative aid in his respective pursuits, as well as the cultivator of the *morus multicaulis*, or the feeder of the silk worm; and where the evil would end, under the operation of a system so palpably unjust, we are wholly unable to imagine.

Let it be remembered, that every dollar that is abstracted from the treasury of the state, for the purpose of encouraging one class of labor, must be replaced by levying a tax to an equal amount upon the property and industry of others; and your committee believe, that, under all circumstances, and especially, under the present embarrassed condition of our finances, no drain upon the treasury, that is not absolutely indispensable for important public services, should receive the countenance or sanction of this legislature. And again: your committee do not entertain a doubt as to the entire success of those who prudently engage in the culture and manufacture of silk, without the aid of special legislation to sustain them.

In the first place, we would say, in support of this opinion, that the kind of manual labor which may be successfully employed in the culture of silk, is such as can be of but little use in other branches of agriculture.

In most branches of the business, children of both sexes, from ten to twelve years of age, under the superintendence of females, can be most advantageously employed.

This, of itself, must strike every one as an advantage of no small magnitude, in favor of this branch of business, and it is also to be remembered that the rage for speculation in the article of *morus multicaulis*, has been one of the principal difficulties with which the manufacturer of silks in this state, has had to contend.

That mania has, at length, given way to the dominion of cool, dispassionate reason, and this, of itself, will, so far as the raising of cocoons is concerned, do more towards protection than any reasonable premium that could be expected by any special grant of the legislature. Your committee would therefore, recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

On motion of Mr. Root,

The report was laid on the table.

Mr. Root, from the standing committee on Public Institutions, reported a bill (S. No. 87.) making provision for the enlargement of the Lunatic Asylum of Ohio; which was read the first time.

Mr. Henderson, from the standing committee on Corporations, to which was referred the bill (H. No. 69,) to incorporate the First Presbyterian Church, of Berlin township, in Delaware county; reported back the same without amendment, and it was

Ordered to its third reading to-morrow.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 84; A bill to provide for the election of Directors of the Poor;

S. No. 85; A bill to incorporate the town of Bourneville;

S. No. 86; A bill to incorporate the First Presbyterian Church, of Alexander, in the county of Athens;

H. No. 51; A bill to authorize the sale of the residue of section 16, in Richland township, in the county of Jackson;

H. No. 53; A bill to amend the act of incorporation of the town of Felicity, in Clermont county;

H. No. 71; A bill to authorize the sale of school section number 16, in Townsend township, in the county of Sandusky;

The following bills were read the third time and passed, to wit:

S. No. 64; An act fixing the times of holding the courts of common pleas;

S. No. 70; An act to authorize the executor of the estate of Robert McConnel to convey certain lots in the town of McConnellsville, and for other purposes;

H. No. 44; An act to confirm and establish the seat of justice for Williams county.

The following bill was read the third time, and,

On motion of Mr. Barnett,

Recommitted to the standing committee on Railroads and Turnpikes, to wit:

S. No. 67; A bill to regulate the mode of collecting debts against turnpike companies in which the state is a stockholder.

On motion of Mr. Spangler,

The Senate took up the fifth annual report of the trustees and superintendent of the Ohio Institution for the instruction of the Blind.

On motion of Mr. Spangler,

The report was referred to the standing committee on Public Institutions.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Foss in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, to wit:

S. No. 75: A bill to incorporate the First Congregation of Disciples at Fulton, Stark county, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 78: A bill to incorporate the First Regular Baptist Church in Berlin, Erie county, Ohio, with one amendment.

Recommitted to the standing committee on Corporations.

S. No. 79: A bill to incorporate the trustees of the Ohio Wesleyan University, without amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Goodin in the chair, on Senate bill (No. 80,) to lay out and establish a graded State road in the counties of Morgan and Muskingum, and after some time spent in the consideration thereof, the committee rose, and reported the same back without amendment.

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Harris in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, to wit:

S. No. 81: A bill to appropriate a part of the literary fund to the Monroe Academy, without amendment.

Recommitted to the standing committee on Finance.

S. No. 82: A bill to incorporate the wardens and vestry of Trinity Church, in Toledo, in the county of Lucas, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 83: A bill to amend the act entitled "an act for the appointment of guardians," passed February 6, 1824, without amendment.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Goodin, it was

Resolved by the Senate and House of Representatives: That five thousand copies of the fifth annual report of the trustees and superintendent of the Ohio Institution for the instruction of the Blind be printed; one thousand for the use of the superintendent, and four thousand for the use of the members of this General Assembly.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Godman in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, to wit:

H. No. 51: A bill to authorize the sale of the residue of section sixteen; in Richland township, in the county of Jackson, without amendment.

Recommitted to the standing committee on Schools and School Lands.

H. No. 53: A bill to amend the act of incorporation of the town of Felicity, in Clermont county, without amendment.

Ordered to be read the third time on to-morrow.

15—S. J.

H. No. 71; A bill to authorize the sale of school section number sixteen, in Townsend township, in the county of Sandusky, without amendment.

Recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Ford,

The Senate again resolved itself into committee of the whole, Mr. Hazeltine in the chair, on Senate bill (No. 77,) to incorporate the town of Tiffin, in the county of Seneca.

Recommitted to the standing committee on Corporations.

Mr. Root offered for adoption a preamble and resolutions in relation to the trustees of the Ohio Institution for the Blind, which,

On motion of Mr. Spangler,

Were laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The following bill of the House has been read the third time and passed; to which the concurrence of the Senate is requested:

H. bill No. 39, to provide for the valuation and sale of the Canal lands belonging to the state of Ohio, and also to amend the acts in relation thereto.

Attest:

GEO. M. AYRES, Clerk.

The bill of the House was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House have, by special resolution, appointed Asa Freeman sergeant-at-arms, pro tem.

Attest:

GEO. M. AYRES, Clerk.

Mr. Robbins gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to quiet the titles of land.

Mr. Root gave notice that on to-morrow, or some subsequent day of the present session, he should introduce a bill further to amend the act entitled, "an act to establish an asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject," passed March 3, 1831.

On motion of Mr. Taylor,

The bill (S. No. 69,) to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county, was taken up, amended, and

Ordered to be engrossed for its third reading to-morrow.

Mr. Nash, agreeably to previous notice, introduced a bill (S. No. 68,) to authorize the holding of special terms of the court of common pleas within and for the county of Scioto, for criminal and other business; which was read the first time.

On motion of Mr. Walton,
The bill (H. No. 39,) to provide for the valuation and sale of the Canal lands belonging to the state of Ohio, and also, to amend the acts now in force in relation thereto, was

Ordered to be printed as it came from the House.

On motion of Mr. Barnett,

The following resolution, reported by the select committee relative to the suspension of work on the Wabash and Erie Canal, and the extension of the Miami canal, was taken up and agreed to:

Resolved, That the standing committee on Canals inquire into the expediency of reporting a bill in accordance with the plan proposed in the foregoing report.

On motion of Mr. Crowell, it was

Resolved, That the Auditor of State report to the Senate, at as early a day as practicable, the amount received from each county treasurer in the State for the last five years, for licenses to pedlars and traveling merchants, stating, in separate columns, the amount received in each year from the several county treasurers of each county.

On motion of Mr. Ritchey,

The Senate resolved itself into a committee of the whole Senate; Mr. Hostetter in the chair, on the bill, (S. No. 72,) for the relief of Owen Martin, Daniel Griggs, Benjamin Ream, John Opp, and Felix Orull, and after some time spent in the consideration thereof, reported back the same with one amendment.

On motion of Mr. Waddle,

The bill and pending amendments were committed to the standing committee on Finance.

On motion of Mr. Waddle,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

TUESDAY, JANUARY 25, 1842.

The Senate met pursuant to adjournment.

Mr. Thomas presented a petition from James Devor and others, asking time for the payment of a certain judgment; which was laid on the table.

Mr. McConnell presented a petition from John W. Gillespie, for damages sustained by him in consequence of the erection of dams by the State over the Muskingum river; which was referred to the standing committee on Claims.

Mr. Nash presented a petition from 195 citizens of the counties of Scioto and Lawrence, remonstrating against the passage of the bill, to amend the charter of the Portsmouth Dry Dock and Steamboat Basin Company; which was referred to the standing committee on Canals.

Mr. Nash also presented certain papers relating to the bill to amend the charter of the Portsmouth Dry Dock and Steamboat Basin Company; which were referred to the same committee.

Mr. Sih, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment report—

That they have examined, and found duly enrolled the following acts and resolution, to-wit:

House No. 46; An act to incorporate the Mechanics' Institute of Urbana.

House No. 52; An act to incorporate the town of West Rushville, in the county of Fairfield.

House No. 54; An act to incorporate the First Regular Baptist Church and Society in Napoleon, Henry county, Ohio.

House No. 55; An act to incorporate the trustees of the Public Cemetery Company of Miller township, in the county of Knox.

House Preamble and resolution, in relation to a marine hospital at Cleveland.

Mr. Spangler, from the standing committee on Finance, to which was recommitted the bill, (S. No. 73,) for the relief of Owen Martin, Daniel Griggs, Benjamin Ream, John Opp, and Felix Crull, made the following report; which was agreed to:

The committee on Finance, to which was recommitted bill of the Senate No. 73, report—

That, from an examination of the matter, the committee apprehend if the bill shall pass, releasing the judgment now against the memorialists, the following results would take place:

- 1st. The bail for appeal to the supreme court, would be released.
- 2d. The state, having exercised her legislative power to release the judgment, on giving bonds by the applicants, if those bonds should fail, the state would become liable to the county of Perry for the amount thus lost to the school fund of that county.

The committee recommend that the bill be referred to the committee on the Judiciary, to ascertain these facts.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was referred the bill (S. No. 67,) to regulate the mode of collecting debts against turnpike companies in which the state is a stockholder, reported back the same with amendments; which were agreed to, and the bill passed.

Ordered, That the title be amended by adding to the end thereof, "and to authorize the companies to appropriate their portion of the tolls for the completion of the roads, and for other purposes;" and that the House be informed thereof.

Mr. Walton, from the standing committee on the Judiciary, to which was referred the bill (H. No. 29,) to divorce Annas Whitaker

from his wife, Phebe Whitaker, and the accompanying papers, made the following report; which was agreed to, and laid on the table without printing:

The committee on the Judiciary, to which was referred House bill No. 29, to divorce Annas Whitaker from his wife, Phebe Whitaker, together with the petition and accompanying papers, have had the whole subject under consideration, and now report:

The petitioner prays to be divorced, on the ground that his wife Phebe, as he alleges in his petition, committed adultery. But before we go any further, we deem it proper to state, that the only evidence that notice was given, as is required by the statute on that subject, to the wife of petitioner, of his intention to petition this legislature for a divorce, is the affidavit of the petitioner, made here, before Thomas Wood, Esq., on the 19th instant, deposing, "that he published a notice of his intention to petition the legislature for a divorce from his wife, Phebe Whitaker, in the Jeffersonian, a paper printed in Mansfield, Richland county, some time in September last." Without commenting on the danger and uncertainty of this kind of evidence, on so important a point, being both ex parte, and made by the party interested, seeking its benefit. Your committee would state, that this is not a recent case, but one which was submitted to this branch of the legislature at the last session, and was then referred to the committee on the Judiciary. That committee reported adversely to the prayer of the petitioner, on the ground that the petitioner had previously, to wit, in 1839, in the supreme court of Richland county, preferred his application to that court, had had a fair trial, and that the court decreed against the petitioner. That committee, however, admit by their report, that there was sufficient proof before them that adultery had been committed by the said Phebe, with a Jefferson Beverstock.

The only evidence presented to the committee, are the depositions of John C. Johnson and Perry W. Whitaker. The committee are not fully satisfied that this testimony proves the crime of adultery to have been committed beyond a doubt; but, if these deponents be entitled to credit, they certainly prove conduct on the part of the wife of petitioner, wholly immodest, highly imprudent, and such as would be well calculated to produce, in her husband, feelings, of hatred, jealousy, and disgust; and such as to render him uncomfortable, unhappy, and miserable, and would, at least, amount to circumstances strongly tending to prove the crime of adultery.

The ground for divorce set up here—adultery—is one of which the Supreme Court has jurisdiction, and would fall under the rule adopted heretofore, in like cases, but for the additional circumstances that the case has already been tried in that court.

The case now assumes a different aspect and raises a new question. The aspect is, that the petitioner still alleges the adultery of his wife, but is remedyless in the court, and the question presented to the committee is, whether it would be a safe rule to adopt, for the legislature to grant a divorce in a case where the court had previously

fairly tried the same on the evidence, and dismissed the petitioner.— A majority of your committee think, to adopt such a rule would be to pursue an unsafe and dangerous course of legislation. But that there may exist exceptions to this course, and that the present may be the proper subject of exception to this course, a majority of your committee do not feel willing to determine, but are rather disposed to leave it to the good sense and sound discretion of the Senate, to determine. And, that the question may be fairly raised, a majority of your committee recommend that the bill be indefinitely postponed.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of certain citizens of the county of Trumbull, for an amendment of the "act providing for the relief and support of women who may be abandoned by their husbands, and for other purposes," made the following report, which was agreed to, and laid on the table:

The standing committee on the Judiciary, to whom was committed the petition of sundry citizens of the county of Trumbull, praying for a repeal in part; and an alteration of the law entitled, "an act providing for the relief and support of women who may be abandoned by their husbands, and for other purposes," passed January 15, 1811, have had the same under consideration and now report:

The petitioners expressing the opinion, that said act is founded in bigotry, and in violation of the constitutional right which all men have, in this state, "to worship Almighty God, according to the dictates of conscience," make, in effect, three several requests:

1st. A repeal of so much of said act as refers invidiously to the religious sect, called Shakers, who inculcate and enjoin upon all who become attached to them, to lead a life of celibacy:

2d. A repeal of the sixth section of said act, which imposes a fine in any sum not exceeding five hundred dollars, on any person who shall, by proselyting, entice, or persuade any married man or woman, to join any religious sect of denomination, with intent of causing such person to renounce the matrimonial contract, and abandon a husband or wife, or children, contrary to the true intent and meaning of the marriage institution.

3d. That said act be so amended, generally, as to provide simply, and only, that in case either husband or wife shall, on account of their religious sentiments, abandon the marriage state, the same shall be held good cause for divorce or alimony.

It appears, that in consequence of the principles and practice inculcated by this sect, known by the name of Shakers, women have been abandoned by their husbands, robbed of their children, and left destitute of the means of support. To prevent these distressing occurrences, as far as practicable, and to provide the means of support for the wife and children, out of the husband's estate, where they do occur, the law now sought to be repealed, was enacted.

The marriage institution is one of the chief pillars of the social compact, and the foundation, of the primary and most important, of

the domestic relations. To the credit of this institution, may be justly placed a great share of the blessings which flow from social order, the refinement of manners, and the civilization of mankind.— It has its foundation in nature; and in the opinion of all civilized and christian nations, is the only lawful relation, by which Providence has permitted the propagation of the human race. It is stamped with the seal of the christian religion, and dates its origin from the Levitical code.

It is difficult to see how such an institution can interfere with any imaginable forms of religious services, or prevent the petitioners from worshipping Almighty God according to the dictates of their own consciences. The petitioners have full liberty to lead a life of celibacy themselves, and by preaching, exhortations and addresses, to promulgate their own doctrines. But when they interfere, by enticements and persuasions, to disturb and overturn the domestic peace and happiness of the relation of husband and wife, breaking asunder the strong ties of conjugal, as well as parental affection, leaving not only an abandoned wife, but children in misery and want, dependant upon the cold charity of the world, they are justly and properly subjected to a penalty for such an outrage. The rights of conscience in matters of religion, are secured to every human being within the state; but in the exercise of these rights, no individual should be permitted to subvert any of our civil institutions, or trample upon the social order, or disturb the peace and happiness of other citizens. The Pagan, the Mahomedan, and the Jew, as well as the christian, may worship any gods they may choose, and in any form which they may please to adopt. But if the Hindoo were to erect his idol in this state, and induce his deluded followers to sacrifice themselves under the car of Juggernaut, claiming that it was worshipping God according to the dictates of his conscience; or if the Mahomedan were to establish his seraglio, and introduce polygamy here, claiming that it was a part of his religion; each would be subjected to severe criminal punishment.

As to the first request of the petitioners, the committee are of the opinion that the existing law makes no distinction between the Shakers and other religious sects, any further than is necessary to protect the sanctity of the nuptial rites, and make provision for abandoned and helpless females and children, who may be reduced to misery and wretchedness by the conscientious scruples of an extremely ignorant and bigoted sect.

As to the second request of the petitioners, the committee are of the opinion, that the sixth section of said law ought not to be repealed, inasmuch as it imposes but a moderate penalty upon the crime of causing a renunciation of the matrimonial contract, and the unhappy consequences which usually follow.

And, as to the third request, "that in case either husband or wife, shall, on account of their religious sentiments, abandon the marriage state, the same shall be held good cause for divorce and alimony," the committee are of the opinion, that to grant it, would be to make many and frequent temporary converts to the faith of the Shakers;

to loosen the bonds of this domestic relation, and furnish a pretext for any individual to abandon the marriage state; to give to matrimony the wings of lawless love; to transform a sacred reality into a fleeting phantom.

The committee, therefore, ask to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Bartley, from the same committee to which was referred the petition of Sophia Young for divorce, made the following report, which was agreed to:

The standing committee on the Judiciary, to whom was referred the petition of Sophia Young for a divorce from her husband, David Young, have had the same under consideration, and now report:

The petitioner states that in November, 1839, when but thirteen years of age, she eloped from her father's house and married the said David Young, with whom she lived till May, 1841; when he left her; and that since that time, they have lived separately. The petitioner also alleges that her said husband has been guilty of the crime of adultery.

The petitioner is not entitled to much credit for discretion, prudence, or patience. Her elopement from the parental roof at the age of thirteen years cannot excite sympathy in her behalf. Her marriage was voidable at her option, when she reached the age of fourteen years, but her subsequent assent gave it a legal and binding effect. She lived with her husband but eighteen months, and has been only six or eight months separated from him. She is not, therefore, distinguished for constancy or patience, either within or without the marriage state. If her charge of adultery upon her husband, be true, the Supreme Court of this state has, by law, the sole cognizance of her cause.

The committee, therefore, ask to be discharged from the further consideration of said petition, and that the petitioner have leave to withdraw her petition.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred the petition of certain citizens of Newton township, in the county of Muskingum, for a law to authorize the commissioners of said county to borrow money from the fund commissioners, for the construction of a bridge over Jonathan's Creek, reported back the same; and it was laid on the table.

Mr. Goodin, from the standing committee on Schools and School Lands, to which was referred the petition of citizens of Fallsburg township, in the county of Licking, for the establishment of a school district; reported back the same, and recommended that the petitioners have leave to withdraw their petition; and leave was granted accordingly.

Mr. Goodin, from the standing committee on corporations, to which was recommitted the bill (S. No. 78) to incorporate the First Regular Baptist Church in Berlin, Erie county, Ohio, reported back the same

without amendment; and the bill was ordered to be engrossed for its third reading to-morrow.

Mr. Goodin, from the same committee, to which was recommitted the bill (S. No. 76) to incorporate the First Congregation of Disciples at Fulton, Stark county, reported back the same without amendment; and it was ordered to be engrossed for its third reading to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred so much of the unfinished business of the last session as relates to the establishment of a state road in the counties of Fayette, Madison, Pickaway, and Franklin, reported a bill (S. No. 89), to lay out and establish a state road in the counties of Fayette, Madison, Pickaway, and Franklin; which was read the first time.

Mr. Henderson, from the standing committee on Corporations, to which was referred the bill (S. No. 77,) to incorporate the town of Tiffin, in the county of Seneca, reported back the same, and recommended that it be committed to the standing committee on Roads and Highways; which was agreed to.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred the petition of Calvin Stacy, made the following report, which was agreed to:

The committee on Schools and School Lands, to whom was committed the petition of Calvin Stacy, of Scipio township, in Seneca county, report:

The petitioner, Calvin Stacy, states, that he is a lessee of part of section sixteen in said township, and that he, at the time the law was in force authorizing the surrender of section sixteen, was a non-resident of the state, and, therefore, did not surrender his lease before the repeal of said law.

This application has no one merit. The petitioner does not even allege that he purchased the land and paid for it on the presumption that he could obtain the title by paying the appraised value of the same, or that he did surrender said lease when he supposed the law was in force. In both these cases, the legislature has already refused to grant any relief. This rule of action, precludes any relief in this case.

The committee, therefore, ask leave to be discharged from the further consideration of the petition, and recommend that the petitioner have leave to withdraw his petition.

Mr. Nash, from the same committee, to which was referred the petition of sundry citizens of the county of Miami, made the following report; which was agreed to:

The committee on Schools and School Lands, to whom was committed the petition of sundry citizens of Miami county, report:

The petitioners state that T. W. Henderson, a person well qualified, was employed by the school directors of district number nine, in Newberry township, in said county, as a teacher; that he taught the school to the satisfaction of his employers; but on applying for his pay, it

was discovered that his certificate of qualifications bore date more than two years before the commencement of the term of his school, whereby he was unable, under the law, to draw his pay; and the petitioners ask that the treasurer be authorized to pay him the amount of his wages.

The difficulty in this case, arises from the carelessness of the teacher himself. The law is express, plain, and comprehensible by all. No one need mistake, unless guilty of the grossest negligence. Has he, under those circumstances, any one to blame but himself? Would it be good policy to interfere in his behalf? It is true he may not be able to obtain his compensation. His case may be a hard one; but if the legislature once begin to legislate in favor of ease and carelessness, where are we to stop? Will not such applications become innumerable? Nor is this all. Laws are made to be obeyed. Rules and regulations are made because they are deemed necessary and beneficial. Shall we sanction their violation, by legislation? The committee think such a course would be impolitic and destructive of all certainty and security in the administration of the school laws.

The committee, therefore, ask leave to be discharged from the further consideration of this subject, and recommend that the petitioners have leave to withdraw their petition.

Mr. Harris, from the standing committee on Claims, to which was referred the resolution of the House allowing certain sums to S. B. Stanton and others, reported back the same with amendments; which were agreed to, and the resolution passed.

Mr. Henderson, from the standing committee on Corporations, to which was referred the bill (S. No. 79) to incorporate the Trustees of the Ohio Wesleyan University, reported back the same without amendment.

Mr. Hazeltine moved to amend the bill, by striking out in the first section and seventh line, the word "perpetual," and insert in the eighth line of the first section, after the word succession, the words "for thirty years."

Upon agreeing to this amendment, Mr. Hazeltine demanded the yeas and nays; which, being ordered, were, yeas 9, nays 22, as follows, to wit:

Yeas—Messrs. Aten, Hazeltine, Hostetter, Mitchell, Ream, Spangler, Taylor, Walton, and Speaker—9.

Nays—Messrs. Barnett, Bartley, Crowell, Ford, Foos, Godman, Goodin, Harris, Henderson, Latham, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—22.

So the amendment was rejected.

The bill was then ordered to be engrossed for its third reading tomorrow.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred the bill (H. No. 31) to authorize the directors of school district No. 10, in Falls township, Muskingum county,

to sell and convey a part of their school house lot, reported back the same without amendment; and it was ordered to its third reading to-morrow.

Mr. Goodin, from the select committee on that subject, reported a bill (S. No. 90,) to incorporate the Seneca Railroad Company; which was read the first time.

Mr. Clark, from the select committee on that subject, reported a bill (S. No. 91,) to extend the time for the appraisal of school section 16, in Royalten township, Lucas county; which was read the first time.

Mr. Crowell, from the select committee to which was referred sundry petitions of members of the bar, praying for a law fixing permanently the times of holding the courts of common pleas in the third judicial circuit, reported the same back, and recommended their postponement until the first Monday in December next; which was agreed to.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 87; A bill making provision for the enlargement of the Lunatic Asylum of Ohio.

H. No. 39; A bill to provide for the valuation and sale of the canal lands belonging to the state of Ohio, and, also, to amend the acts now in force in relation thereto.

S. No. 88; A bill to authorize the holding of special terms of the court of common pleas within and for the county of Scioto for criminal and other business.

The following bills were read the third time and passed, to wit:

S. No. 69, An act to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county.

S. No. 80; An act to lay out and establish a graded state road in the counties of Morgan and Muskingum.

H. No. 53; An act to amend the act of incorporation of the town of Felicity, Clermont county.

H. No. 69; An act to incorporate the First Presbyterian Church of Berlin township, in Delaware county.

S. No. 67; An act to regulate the mode of collecting debts against turnpike companies, in which the state is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads, and for other purposes.

Mr. Root, agreeably to previous notice, introduced a bill (S. No. 92,) further to amend an act entitled, "an act to establish an asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject," passed March 3, 1831; which was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time:

H. 149; A bill to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes.

H. 150; A bill to authorize the sale of school section number sixteen, in Clinton township, in the county of Lucas.

H. 151; A bill to incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county;

H. 152; A bill to alter a certain state road in Allen and Putnam counties;

H. 153; A bill to incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association;

H. 154; A bill to incorporate the First Baptist Church and Society of Strongsville, in the county of Cuyahoga;

H. 155; A bill to amend an act entitled, "an act creating the office of county surveyor, and defining his duties."

The House has passed Senate bill No. 11, to establish a free turnpike road, from Bellefontaine, in Logan county, to the Indiana state line, with sundry amendments, to which the concurrence of the Senate is requested.

Attest:

GID. M. AYRES, Clerk.

On motion of Mr. Root,
Senate bill No. 11, together with the House amendments thereto, was referred to the standing committee on Railroads and Turnpikes.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bill, to which the signature of the Speaker of the Senate is requested:

S. No. 24; An act to amend the act entitled, "an act to incorporate the town of Athens," passed January 24, 1839.

The Speaker of the House has signed the following resolution, to which the signature of the Speaker of the Senate is requested:

A resolution of instruction to our Senators and Representatives in Congress.

Attest:

GID. M. AYRES, Clerk.

The above enrolled bill and resolution were signed by the Speaker of the Senate.

On motion of Mr. Hazeltine,

The Senate resolved itself into committee of the whole, Mr. Henderson in the chair, on Senate bill No. 86, to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens; and after some time spent in the consideration thereof, the committee rose and reported the same back without amendment.

Recommitted to the standing committee on Corporations.

Mr. Root, on leave, presented a petition from citizens of Haysville, in Richland county, praying an early adjournment of the Legislature.

On motion of Mr. Taylor,

The petition was laid on the table, and the printing dispensed with.

Mr. Taylor, on leave, presented a petition of citizens of Licking county, asking the incorporation of the First Free Will Baptist Society of the township of Liberty, in the county of Licking, which was referred to the standing committee on Corporations.

Mr. Taylor also presented a petition of sundry citizens of Licking county, asking for certain legislation in reference to the culture and manufacture of silk; which was referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Spangler asked for a call of the Senate; which was made, and Messrs. Carpenter, Crowell, Dewey, Foss, Godman, Holmes, Leonard, Latham, Sill, Thomas, and Walton, were found absent.

On motion of Mr. Henderson,

Messrs. Carpenter and Dewey were excused.

On motion of Mr. Hostetter,

Mr. Holmes was excused.

On motion of Mr. Clark,

Mr. Leonard was excused.

The other members having made their appearance in the Senate Chamber,

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

On motion of Mr. Taylor,

The bill (S. No. 7) to amend the act entitled, "an act to authorize the establishment of poor houses," was taken up.

On motion of Mr. Henderson,

The bill was recommitted to a select committee of one; and Mr. Henderson appointed that committee.

On motion of Mr. Bartley,

The Senate resolved itself into a committee of the whole Senate, Mr. Nash in the chair; but, having no business, rose and reported.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested, to wit:

H. No. 21; To amend the act, entitled, "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824;

H. No. 37; To amend an act entitled, "an act for opening and regulating roads and highways," passed March 14, 1831.

Attest:

GID. M. AYRES, Clerk.

The bills of the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the Senate resolution in relation to printing

the report of the superintendent and directors of the Ohio Institution for the instruction of the Blind.

Attest:

GID. M. AYRES, *Clerk.*

Mrs Wade moved that the Senate adjourn; on which motion, Mr. Goodin demanded the yeas and nays; which were ordered, and were, yeas 24, nays 7, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Ford, Foos, Godman, Harris, Hazeltine, Henderson, Hostetter, Lathain, Mitchell, McConnell, Nash, Robbins, Root, Sill, Spangler, Stanton, Taylor, Van Vorhes, Wade, Waddle and Speaker—24.

Nays—Messrs. Aten, Barnett, Goodin, Perkins, Ream, Ritchey and Walton—7.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

WEDNESDAY, JANUARY 26, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented a remonstrance from 20 citizens of East Liverpool, in the county of Columbiana, against any division of said county; which was laid on the table without printing.

Mr. Stanton presented a petition from citizens, of the county of Logan, that the prosecuting witness may be required to indorse for costs in criminal prosecutions before justices; which was

Referred to the standing committee on the Judiciary.

Mr. Godman presented a petition from 42 citizens, of the county of Delaware, for the repeal of all laws authorizing town and city corporations to license groceries, &c.; which was laid on the table.

Mr. Crowell presented a petition from citizens, of the county of Trumbull, for the fulfilment of the promises of a better currency, and that the Bank Commissioners of 1841, be called on for an account of their stewardship; which was

Referred to the standing committee on the Currency.

Mr. Clark presented a petition from Francis Lavoex, and others, for an act authorizing Francis and Mary Lavoex to deed certain lands; which was

Referred to the standing committee on the Judiciary.

Mr. Stanton presented a petition from citizens, of the county of Logan, for an extension of the draining law to said county; which was

Referred to the standing committee on Agriculture, Commerce, and Manufactures.

Mr. Clark presented a petition from citizens, of Brady township, in the county of Williams, for the sale of section 16, in said township; which was

Referred to a select committee of one, and Mr. Clark appointed that committee.

Mr. Latham presented a petition from citizens, of the counties of Scioto, Pike, and Ross, for an act authorizing the Portsmouth and Columbus Turnpike Company to erect a toll bridge over the Scioto river, at Piketon; which was

Referred to the standing committee on Railroads and Turnpikes.

Mr. Waddle presented a communication from the Trustees of the Institution for the Blind; which was

Referred to the standing committee on Public Institutions.

Mr. Van Vorhes presented a petition from citizens of Hocking Port, in the county of Athens, for a law confirming the survey of said town, made by the Superintendent of the Ohio Company's purchase in 1813; which was

Referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Bartley presented a petition from the village of Petersburg, in the county of Richland; for a change of the name of said village; which was

Referred to the standing committee on Corporations.

Mr. Root presented a petition from Edward Baker, for an amendment to the law to punish offences; which was

Referred to the standing committee on the Judiciary.

Mr. Ford presented a petition from citizens of Chagrin Falls, in the county of Cuyahoga, for the incorporation of Wesley Chapel of the Methodist Episcopal Church of Chagrin Falls; which was

Referred to a select committee of one, and Mr. Ford appointed that committee.

The Speaker presented the special report of the Board of Public Works, in answer to a resolution of the Senate, relative to the Portsmouth Dry Dock and Steamboat Basin Company; which was laid on the table.

(See Vol. of Pub. Doc. No. 55.)

Mr. Sill, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment report, that they have examined and found duly enrolled the following act, to wit:

An act to repeal the charter of the German Bank of Wooster, and to close its affairs.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was recommitted the bill (S. No. 11,) to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana State line, made the following report:

The standing committee to whom was recommitted bill No. 11, of the Senate, with amendments of the House, have had the same under consideration, and report the bill and amendments back, recommending that the Senate agree to all the amendments of the House, except the fourth, and they recommend that the Senate disagree to the "fourth" amendment.

On motion of Mr. Latham,

The bill and pending amendments were laid upon the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petitions and remonstrances in relation to the erection of a new township in the county of Hamilton, made the following report:

The standing committee on the Judiciary, to whom was committed petitions and remonstrances of sundry citizens of Columbia and Symmes townships, in the county of Hamilton, relative to the organization of a new township, to be composed of parts of the aforesaid townships, have had the same under consideration, and now report:

The committee do not deem it good policy to disturb the local institutions of the people, by making any changes in the organization of township and school districts, unless it be in cases of palpable and unquestionable necessity. In the present case, legislative interference would be highly improper and inexorable, inasmuch as there are only 89 petitioners for the new township, and 130 remonstrators against it.

The committee, therefore, ask to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

The report was then agreed to.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted Senate bill No. 77, to incorporate the town of Tiffin, in the county of Seneca, reported the same back with one amendment.

On motion of Mr. Waddle,

The bill and pending amendment were laid upon the table.

Mr. Goodin, from the standing committee on Corporations, to which was referred the bill (S. No. 82,) to incorporate the Wardens and Vestry of Trinity Church, in Toledo, in the county of Lucas, reported back the same with one amendment; which was agreed to, and the bill was ordered to be engrossed for its third reading to-morrow.

Mr. Goodin, from the same committee, to which was recommitted the bill (S. No. 86,) to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens, reported back the same without amendment; and it was ordered to be engrossed for its third reading to-morrow.

Mr. Allen from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have examined and found correctly enroled, the following acts, viz:

An act to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga;

An act to incorporate the town of Waverly, in the county of Pike, and State of Ohio;

An act to extend the corporate limits of Higginsport, in Brown county;

An act to confirm and establish the seat of justice for Williams county.

Mr. Ford, from the select committee on that subject, reported a bill (S. No. 93,) to incorporate the Trustees of the Wesley Chapel of the Methodist Episcopal Church, at Chagrin Falls, in the county of Cuyahoga; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 89; A bill to lay out and establish a State road in the counties of Fayette, Madison, Pickaway, and Franklin;

S. No. 90; A bill to incorporate the Seneca Railroad Company;

S. No. 91; A bill to extend the time for the appraisal of school section 16, in Royalton township, Lucas county;

S. No. 92; A bill further to amend an act entitled "an act to establish an asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject," passed March 3, 1831;

H. No. 21; A bill to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824;

H. No. 37; A bill to amend an act entitled "an act for opening and regulating roads and highways," passed March 14, 1831.

The following bills were read the third time and passed, to wit:

H. No. 31; An act to authorize the directors of school district No. 10, in Falls township, Muskingum county, to sell and convey a part of their school house lot;

S. No. 75; An act to incorporate the First Congregation of Disciples, at Fulton, Stark county;

S. No. 79; An act to incorporate the Trustees of the Ohio Wesleyan University;

S. No. 78; An act to incorporate the First Regular Baptist Church, in Berlin, Erie county, Ohio.

Mr. Spangler offered for adoption the following resolution; which was agreed to:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly will meet in the Hall of the House of Representatives, on Thursday the 27th, instant, at 3 o'clock, P. M.,
16—S. J.

of said day, for the purpose of electing two Associate Judges for the county of Guernsey, one Associate Judge for the county of Richland, one Associate Judge for the county of Fairfield, one Associate Judge for the county of Preble, one Associate Judge for the county of Crawford, one Associate Judge for the county of Lorain, one Associate Judge for the county of Henry, one Associate Judge for the county of Putnam, and one Associate Judge for Hardin county.

On motion of Mr. Ford,

The Senate took up the resolution, offered by himself, in relation to the Trustees of the Ohio Institution for the instruction of the Blind.

On motion of Mr. Root,

The resolution was committed to the standing committee on Public Institutions.

Mr. Hazeltine offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly will adjourn on Monday the 28th day of February next, to meet again, at this place, on the first Monday of June, 1842.

Mr. Spangler moved that the resolution be committed to the standing committee on Finance,

Mr. Root called for a division of the question; which turning on committing the resolution, the yeas and nays were demanded, and were, yeas 11, nays 21, as follows to wit:

Yeas—Messrs. Clark, Crowell, Godman, Hostetter, Mitchell, Nash, Spangler, Taylor, Thomas, Walton, and Speaker—11.

Nays—Messrs. Aten, Barnett, Bartley, Ford, Foos, Goodin, Harris, Hazeltine, Henderson, Latham, Leonard, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Wade, and Walton—21.

So the motion was lost.

Mr. Walton moved to lay the resolution on the table; on which motion,

Mr. Root demanded the yeas and nays; which being ordered, were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Clark, Godman, Goodin, Hostetter, Latham Mitchell, Nash, Spangler, Taylor, Thomas, Walton, and Speaker—12.

Nays—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Foos, Harris, Hazeltine, Henderson, Leonard, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Wade and Waddle—20.

So the motion was lost.

Mr. Bartley moved to strike out the "28th," and insert the "21st."

Mr. Nash called for a division of the question, and it turning on striking out, he demanded the yeas and nays; which being ordered, were, yeas 21, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Ford, Foos, Godman, Goodin, Hazeltine, Leonard, McConnell, Nash, Perkins, Ream, Robbins, Sill, Spangler, Stanton, Taylor, Thomas and Walton—21.

Nays—Messrs. Crowell, Harris, Henderson, Hostetter, Latham, Mitchell, Ritchey, Root, Wade, Waddle and Speaker—11.

So the motion prevailed.

Mr. Taylor moved to commit the resolution to a select committee of one, with instructions to insert the "7th."

Mr. Leonard called for a division of the question.

Mr. Thomas moved that the Senate take a recess, on which motion, Mr. Root demanded the yeas and nays; which being ordered, were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Godman, Hostetter, Latham, Mitchell, McConnell, Nash, Spangler, Taylor, Thomas, Walton and Speaker—14.

Nays—Messrs. Aten, Barnett, Ford, Foos, Goodin, Harris, Hazeltine, Henderson, Leonard, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Wade and Waddle—18.

So the Senate refused to take a recess.

The question then turning on committing the resolution, Mr. Root demanded the yeas and nays; which being ordered, were, yeas 11, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Clark, Godman, Goodin, Latham, Mitchell, Nash, Spangler, Taylor, Walton and Speaker—11.

Nays—Messrs. Barnett, Bartley, Ford, Foos, Harris, Hazeltine, Henderson, Hostetter, Leonard, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Wade and Waddle—19.

So the Senate refused to commit the resolution.

The question then turned on inserting the "21st;" on which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 22, nays 9, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Crowell, Ford, Foos, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Wade, Waddle and Speaker—22.

Nays—Messrs. Aten, Clark, Godman, Goodin, Mitchell, Nash, Spangler, Taylor and Walton—9.

So the "21st." was inserted.

Mr. Taylor moved that the Senate take a recess, on which motion,

Mr. Root demanded the yeas and nays; which being ordered, were, yeas 15, nays 16, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Godman, Goodin, Harris, Hostetter, Latham, Mitchell, McConnell, Nash, Spangler, Taylor, Walton and Speaker—15.

Nays—Messrs. Aten, Barnett, Ford, Foos, Hazeltine, Henderson, Leonard, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Wade and Waddle—16.

So the the motion was lost.

Mr. Taylor asked for a call of the Senate, which was made, and Messrs. Carpenter, Dewey, Holmes, Thomas and Van Vorhes, found absent.

On motion of Mr. Henderson,
Messrs. Carpenter, Dewey and Holmes, were excused.

Mr. Leonard moved that Mr. Thomas be excused, on which motion, Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Crowell, Ford, Foos, Hazeltine, Henderson, Leonard, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes, Wade, Waddle and Speaker—17.

Nays—Messrs. Bartley, Clark, Godman, Goodin, Harris, Hostetter, Latham, Mitchell, McConnell, Nash, Ream, Ritchey, Spangler, Taylor and Walton—15.

So Mr. Thomas was excused.

Mr. Van Vorhes being now present, further proceedings under the call were dispensed with.

Mr. Taylor moved that the Senate take a recess, on which motion,

Mr. Root demanded the yeas and nays; which being ordered, were, yeas 16, nays 16, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Godman, Goodin, Harris, Hostetter, Latham, Mitchell, McConnell, Nash, Ream, Spangler, Taylor, Walton and Speaker—16.

Nays—Messrs. Aten, Barnett, Ford, Foos, Hazeltine, Henderson, Leonard, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—16.

So the Senate refused to take a recess.

The question then recurring on, agreeing to the resolution, as amended,

Mr. Nash called for a division of the question, and it turning on agreeing to the first branch of the resolution, which requires the General Assembly to adjourn on the 21st of February;

Mr. Root demanded the yeas and nays; which being ordered, were, yeas 23, nays 4, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Foos, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Van Vorhes, Wade, Waddle and Walton—23.

Nays—Messrs. Clark, Godman, Nash and Speaker—4.

Mr. Latham moved that the Senate take a recess; on which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 24, nays 8, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Ford, Foos, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McCon-

nell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Van Vorhes, Wade, Waddle and Speaker—24.

Nays—Messrs. Barnett, Clark, Crowell, Godman, Nash, Spangler, Taylor and Walton—8.

So the Senate took a recess until three o'clock, P. M.

The Senate met again at three o'clock.

Mr. Bartley moved to lay the resolution, in relation to the adjournment of the General Assembly, on the table; on which motion,

Mr. Stanton demanded the yeas and nays; which being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Goodin, Hazeltine, Latham, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Spangler, Taylor, Thomas, Walton and Speaker—17.

Nays—Messrs. Aten, Barnett, Ford, Foos, Harris, Henderson, Hostetter, Leonard, Perkins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—15.

So the resolution was laid on the table.

On motion of Mr. Spangler,

The bill, (H. No. 21,) "to amend the act entitled, "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824, was directed to be printed as it came from the House.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 19; To lay out and establish a State road in the counties of Lucas, Ottawa and Sandusky;

H. No. 82; To authorize the Commissioners of Delaware county to correct the duplicate of the revaluation of real property, in the said county, under the act of March 13, 1840.

The following bills of the Senate have been read the third time and passed:

S. No. 41; To change the name of the town of Waynesburg, in the county of Wayne;

S. No. 43; To amend the act entitled "an act to incorporate the Baptist Church of Dover, in Tuscarawas county," passed February 18, 1841.

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution relative to the cleaning of certain canals.

The House has passed the following preamble and resolution, in which it asks the concurrence of the Senate:

A preamble and resolutions in relation to certain Indian reservations, by the Ottawa tribe of Indians, and sale of the same.

The following bills have been reported to the House and read the first time, to wit:

H. 156; To amend the act entitled "an act regulating Judgments and Executions," passed March 1, 1831;

H. 157; To lay out and establish a graded State road in the counties of Muskingum and Coshocton;

H. 158; To encourage the culture of silk;

H. 159; To divorce John Stewart from his wife Hannah Stewart;

H. 160; To incorporate the Myrtle-tree Baptist Church of Lawrence county;

H. 161; To incorporate the Symmes Creek Baptist Church of Lawrence county;

H. 162; To divorce Esther A. Crain from her husband Andrew L. Crain;

H. 163; To incorporate the Dayton, Germantown, and Middletown Turnpike Company;

H. 164; To change the name of the town of Vienna in the county of Clinton.

Attest:

GID. M. AYERS, *Clerk.*

The bills of the House were read the first time.

The House resolution relating to the cleaning of certain canals, was referred to the standing committee on Canals.

The House preamble and resolution relative to certain Indian reservations, were laid upon the table and ordered to be printed.

Mr. Bartley offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That Daniel J. Swinney, of Richland county, be and he is hereby appointed Register of the Virginia military district school lands for the term of three years, from and after the first day of April, 1842, when the term of service of James Hedges, the present Register, expires.

Mr. Thomas moved its reference to the standing committee on Schools and School Lands; on which motion;

Mr. Goodin demanded the yeas and nays, which, being ordered, were, yeas 14, nays 19, as follows, to wit:

Yeas—Messrs. Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the motion did not prevail.

Mr. Stanton moved to lay the resolution on the table; on which motion,

Mr. Hazeltine demanded the yeas and nays, which, being ordered, were, yeas 14, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine,

Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, Walton and Speaker—19.

So the motion was lost.

Mr. Root moved that the resolution be referred to a select committee to be composed of the Senators representing the Virginia military district; on which motion,

Mr. Perkins demanded the yeas and nays, which, being ordered, were, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the motion did not prevail.

Mr. Waddle moved to strike out the name of Daniel J. Swinney and insert that of James Hedges; on which motion,

Mr. Goodin demanded the yeas and nays, which, being ordered, were, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the motion was lost.

The question then recurring on agreeing to the resolution,

Mr. Goodin demanded the yeas and nays, which, being ordered, were, yeas 18, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the resolution was agreed to.

On motion of Mr. Taylor, it was

Resolved, That the committee on Schools and School Lands be instructed to inquire whether any amendments are necessary, and if so what, to the law regulating the manner of levying taxes in school districts for the purpose of erecting school houses.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Leonard in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose, and reported back the following bills, to wit:

S. No. 84; A bill to provide for the election of Directors of the Poor, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 85; A bill to incorporate the town of Bourneville, without amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Taylor, it was

Resolved by the Senate and House of Representatives, That two thousand copies of the annual report of the Commissioners of the Canal Fund, of the state of Ohio, be printed for the use of the members of this General Assembly, two hundred of which shall be for the use of said commissioners.

Mr. Goodin moved that the Senate adjourn; on which motion,

Mr. Root demanded the yeas and nays, which, being ordered, were, yeas 17, nays 16, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Godman, Goodin, Harris, Hostetter, Leonard, Mitchell, McConnell, Nash, Ream, Robbins, Sill, Thomas, Wade and Waddle—17.

Nays—Messrs. Aton, Barnett, Ford, Foos, Hazeltine, Henderson, Latham, Perkins, Ritchey, Root, Spangler, Stanton, Taylor, Van Vorhes, Walton and Speaker—16.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

THURSDAY, JANUARY 27, 1842.

The Senate met pursuant to adjournment.

Mr. Stanton presented a petition from the stockholders of the Urbana Academy, for a law authorizing them to sell the property belonging to said academy; which was referred to a select committee of one, and Mr. Stanton appointed that committee.

Mr. Godman presented a petition from 38 citizens of the county of Delaware, for the repeal of all laws authorizing town and city corporations to license groceries, &c.; which was laid on the table.

Mr. Van Vorhes presented a petition from citizens of Albany, in the county of Athens, for an act of incorporation; which was referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Nash presented a petition from citizens of Gallipolis, for a law prohibiting the sale of ardent spirits to minors; which was referred to the standing committee on the Judiciary.

Mr. Barnett presented a petition from Robert Hosier, for remuneration for damages sustained by him; which was referred to the standing committee on Claims.

Mr. Latham presented a petition from citizens of the county of Ross, for an amendment to the school law; which was referred to the standing committee on Schools and School Lands.

Mr. Root presented a petition from 83 legal voters of the town of Sandusky, in Erie county, for the repeal of the law authorizing towns to license retailers of intoxicating liquors; which was laid on the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the bill (S. No. 45,) "to authorize the sale and conveyance of the public square, in the town of Jacksonville, in the county of Adams, for the purposes therein named," reported back the same with sundry amendments; which were agreed to, and the bill ordered to be engrossed for its third reading to-morrow.

Mr. Thomas, from the same committee, reported back the bill (S. No. 73,) for the relief of Owen Martin, Daniel Griggs, Benjamin Ream, John Opp, and Felix Cull, with sundry amendments; which were agreed to, and the bill ordered to be engrossed for its third reading to-morrow.

Mr. Bartley, from the same committee, to which was recommitted the bill (S. No. 22,) for the punishment of certain crimes and misdemeanors, reported back the same with sundry amendments; which were agreed to, and the bill laid on the table, in order to be printed with the amendments.

Mr. Hazeltine, from the standing committee on Agriculture, Commerce, and Manufactures, to which was referred certain petitions relative to the draining law, made the following report:

The standing committee on Agriculture, Manufactures, and Commerce, to which was referred the petitions of sundry citizens of Logan county, praying for an extension of the draining law of last winter, so as to extend the benefits of said law to Logan county, now report by

Bill (S. No. 94,) to amend an act entitled, "an act providing for the appointment of commissioners of sewers in certain counties in this state," passed March 26, 1841; which was read the first time.

Mr. Goodin, from the standing committee on Corporations, to which was recommitted the bill (S. No. 85,) to incorporate the town of Bourneville, reported back the same without amendment; and the bill was ordered to be engrossed for its third reading to-morrow.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment beg leave to report, that they have deposited with the Secretary of State the following acts and resolutions, and taken his receipt for the same:

An act to amend the act entitled, "an act to incorporate the town of Athens," passed January 24, 1828;

An act to vacate part of the town of Dingmansburg, in the county of Shelby;

An act to incorporate the Western Fire Engine and Hose Company of Cincinnati;

An act to incorporate the First Baptist Church and Society in Brownhelm, Lorain county;

An act to incorporate the First Congregation of Disciples in Norton, Summit county;

An act to change the name of Joseph Crow, Charlotte Crow, Solomon Crow, Caroline P. Crow, Juliana Crow, Joseph L. Crow, John S. Crow, Rufus M. Crow, and Josiah B. Crow;

An act to incorporate the Evangelical Christian Church of Arnheim, Brown county;

An act to incorporate the First Christian Church in the town of Greenville, in the county of Darke;

An act to incorporate the Methodist Protestant Church and Society of the township of York, in the county of Medina;

An act to incorporate St. John's First English Evangelical Church of Zanesville, in the county of Muskingum;

An act to incorporate St. Peter's Church of Norwalk, in Huron county;

An act to incorporate the First Presbyterian and Congregational Church and Society of Bazetta, in the county of Trumbull;

An act to incorporate the First Regular Baptist Church and Society of New Haven, in Huron county;

Preamble and resolutions, in relation to specie payments, to be forwarded to the legislature of Pennsylvania;

Resolution of instruction;

Resolution to admit Benjamin F. Locke, of Lorain county, into the Institution of the Blind;

Preamble and resolution, in relation to specie payments in the state of Virginia;

Preamble and resolutions, in relation to specie payments in the state of Michigan;

Preamble and resolutions, in relation to specie payments in the state of Illinois;

Preamble and resolutions, in relation to specie payments in the state of Kentucky;

Mr. Ford, from the standing committee on Railroads and Turnpikes, made the following report:

The standing committee on Railroads and Turnpikes, to whom was referred the petition of the stockholders of Dayton Western Turnpike Road Company, and the petition of citizens along the line of said road, have considered the same, and report—

That said petitioners ask for a law authorizing the application of the tolls for the payment of debts, and for the extension and completion of the road. The committee have heretofore reported unfavorably to allowing the tolls of the state to be taken for these purposes. The committee have provided, by a bill which has passed the Senate,

providing for the application of the tolls of the company to the purposes set forth in the petitions; no further action can, therefore, be necessary.

The committee ask to be discharged from the further consideration of the subject; and the petitioners have leave to withdraw their petitions.

The report was agreed to, and leave was granted accordingly.

Mr. Goodin, from the standing committee on Corporations, to which the petition on that subject was referred, reported a bill (S. No. 95,) to incorporate the First Free Will Baptist Society in the township of Liberty, in the county of Licking; which was read the first time.

Mr. Goodin, from the same committee, to which the petition on that subject was referred, reported a bill (S. No. 96,) to change the name of the town of Petersburg, in the county of Richland; which was read the first time.

Mr. Clark, from the select committee on that subject, reported a bill (S. No. 97,) to authorize the sale of school section number sixteen, in Amboy township, in the county of Lucas; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 93; A bill to incorporate the trustees of the Wesley Chapel of the Methodist Episcopal Church at Chagrin Falls, in the county of Cuyahoga;

H. No. 19; A bill to lay out and establish a state road, in the counties of Lucas, Ottawa, and Sandusky;

H. No. 82; A bill to authorize the commissioners of Delaware county to correct the duplicate of the revaluation of real property in said county, under the act of March 13, 1840.

The following bills of the Senate were read the third time, and passed, to wit:

S. No. 82; An act to incorporate the Wardens and Vestry of Trinity Church in Toledo, in the county of Lucas;

S. No. 86; An act to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens.

Mr. Thomas gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Troy and Stillwater Turnpike Company.

On motion of Mr. Perkins,

The Senate resolved itself into committee of the whole, Mr. Mitchell in the chair, on Senate bill No. 87, making provision for the enlargement of the Lunatic Asylum of Ohio; and after some time spent in the consideration thereof, the committee rose and reported the same back without amendment.

On motion of Mr. Root,

The bill was recommitted to the committee on Public Institutions.

On motion of Mr. Crowell, it was

Resolved, That the committee on Roads and Highways be instruct-

ed to inquire what amendments, if any, are necessary to the "act for opening and regulating roads and highways," passed March 14, 1831, so as to secure the payment of damages to persons injured by laying out roads through their lands.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following bills of the House, to which the signature of the Speaker of the Senate is requested:

H. No. 44; An act to confirm and establish the seat of justice for Williams county;

H. No. 46; An act to incorporate the Mechanics' Institute of Urbana;

H. No. 52; An act to incorporate the town of West Rushville, in the county of Fairfield;

H. No. 54; An act to incorporate the First Regular Baptist Church and Society in Napoleon, Henry county, Ohio;

H. No. 58; An act to repeal the charter of the German Bank of Wooster, and to close its affairs;

H. No. 59; An act to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga;

H. No. 67; An act to incorporate the town of Waverly, in the county of Pike, and state of Ohio;

H. No. 75; An act to extend the corporate limits of Higginsport, in Brown county;

The Speaker of the House of Representatives has also signed the following preamble and resolution of the House, to which the signature of the Speaker of the Senate is requested:

Preamble and resolution, in relation to a marine hospital at Cleveland.

The House has concurred in the Senate resolution in relation to certain elections.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the enrolled acts and resolution.

Mr. Latham asked for a call of the Senate, which was made, and Messrs. Carpenter, Holmes, Nash, Root, and Walton, found absent.

On motion of Mr. Latham,

Messrs. Carpenter and Holmes were excused.

The other gentlemen found absent, having appeared in the Senate chamber,

On motion of Mr. Latham,

Further proceedings under the call were dispensed with.

Mr. Clark offered a resolution in relation to the election of certain judges, on Saturday, the 28th of January.

On motion of Mr. Clark,

The resolution was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

House bill No. 89; An act to change the corporate name of the Wardens and Vestrymen of the parish of All Souls, in the township of Springfield, and county of Clark, incorporated by act of March 14, 1836;

House bill No. 90; An act to lay out and establish a graded state road, in the counties of Knox and Coshocton.

The House has passed the following Senate resolutions, to wit:

A resolution appointing Daniel J. Swinney Register of the Virginia Military School Lands;

A resolution directing the printing of the Canal Fund Commissioners' report.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House of Representatives are now prepared to receive the Senate, and proceed to certain elections.

Attest:

GID. M. AYRES, *Clerk.*

On motion of Mr. Spangler,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and being seated within the bar of the House, both Houses proceeded, in pursuance to a joint resolution, previously adopted for that purpose, to elect two associate judges for the county of Guernsey.

The following was the declared result of the balloting:

For Robert Reed	80 votes
Zadoc Davis.....	54 "
Wm. Skinner.....	46 "
Blanks and scattering.....	2 "

Robert Reed and Zadoc Davis having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county of Guernsey, each for the constitutional term of seven years; the term of service of Robert Reed to commence from and after the end of the present session of the General Assembly, and the term of service of Zadoc Davis to commence from and after the tenth day of March, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Richland.

The following was the result of the balloting:

For Francis Andrews..... 59 votes.
Blanks and scattering..... 36 “

Francis Andrews, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Richland, for the constitutional term of seven years from and after the 28th day of January, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Fairfield.

The following was the result of the balloting:

For Joseph Stukey 63 votes.
Blanks 32 “

Joseph Stukey, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Fairfield, for the constitutional term of seven years, from and after the 21st day of February, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Preble.

The following was the result of the balloting:

For Robert Martin..... 54 votes.
Newton Leash..... 41 “
Blank and scattering..... 3 “

Robert Martin, having received a majority of all the votes given, was declared, by the Speaker of the senate, in the presence of both Houses, duly elected an associate judge for the county of Preble, for the constitutional term of seven years from and after the 10th day of March, 1842.

The two houses next proceeded, as aforesaid, to elect one associate judge for the county of Crawford.

The following was the result of the balloting:

For Hugh Welch..... 58 votes.
Blanks 37 “

Hugh Welch, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Crawford, for the constitutional term of seven years from and after the 4th day of February, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Lorain.

The following was the result of the balloting:

For Joseph L. Whiton..... 55 votes.
Ozias Long..... 39 “
Blank and scattering..... 3 “

Joseph L. Whiton, having received a majority of all the votes

given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Lorain, for the constitutional term of seven years from and after the 21st day of February, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Henry.

The following was the result of the balloting:

For Henry Leonard.....	56 votes.
Blanks.....	30 "

Henry Leonard, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Henry, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect an associate judge for the county of Putnam.

The following was the result of the balloting:

For Silas McClish	52 votes.
David Ayres.....	29 "
Blanks.....	6 "

Silas McClish, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Putnam, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Hardin.

The following was the result of the balloting:

For Jonathan Cessna	53 votes.
Blanks.....	33 "

Jonathan Cessna, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Hardin, for the constitutional term of seven years from and after the 10th day of March, 1842.

The business for which the two Houses had assembled in convention, being finished, the Senate returned to its Chamber.

On motion of Mr. Clark,

The following resolution, offered by him, was taken up and agreed to.

Resolved, by the Senate and House of Representatives, That the two branches of this General Assembly will meet in the Hall of the House of Representatives, on Friday, the 28th day of January, instant, at three o'clock, P. M., for the purpose of electing two associate judges for the county of Lucas; one associate judge for the county of Henry; two associate judges for the county of Hocking, and one associate judge for the county of Adams.

Mr. Goodin gave notice, that on to-morrow, or some subsequent day of the present session, he would introduce a bill to amend "an act for the protection of railroads," passed March 20, 1840.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole Senate, Mr. Latham in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills, to wit:

S. No. 88; A bill to authorize the holding of special terms of the court of common pleas within and for the county of Scioto, for criminal and other business, without amendment.

The bill was amended, and then recommitted to the standing committee on the Judiciary.

S. No. 89; A bill to lay out and establish a state road in the counties of Fayette, Madison, Pickaway and Franklin, with one amendment, which was agreed to.

Ordered to be engrossed for its third reading to-morrow.

S. No. 90; A bill to incorporate the Seneca Railroad Company, without amendment.

Recommitted to the standing committee on Railroads and Turnpikes.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. McConnell in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills, to wit:

S. No. 91; A bill to extend the time for the appraisal of school section sixteen, in Royalton township, Lucas county, without amendment.

Recommitted to the standing committee on Schools and School Lands.

H. No. 37; A bill to amend an act entitled, "an act for opening and regulating roads and highways," passed March 14, 1831.

Recommitted to the standing committee on Roads and Highways.

On motion of Mr. Hostetter,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*,

FRIDAY, JANUARY 28, 1842.

The Senate met pursuant to adjournment.

Mr. Crowell presented a petition from Youngstown, in the county of Trumbull, for the incorporation of an engine company, which was referred to a select committee of one, and Mr. Crowell appointed that committee.

Mr. Godman presented a petition from 34 citizens of the county of Delaware, for the repeal of all laws authorizing town and city corporations to license groceries, &c.; which was laid on the table.

Mr. Holmes presented a petition from the Holy Congregation of the children of Jeshurun of Cincinnati; which was referred to a select committee of one, and Mr. Holmes appointed that committee.

Mr. Sill presented a petition from citizens of Twinsburg, in the county of Summit, for an act to incorporate them as a church; which was referred to a select committee of one, and Mr. Sill appointed that committee.

Mr. McConnell, from the standing committee on canals, to which was referred the House resolution relative to the cleaning of certain canals, reported back the same without amendment, and the resolution was passed:

Mr. Crowell, from the select committee on that subject, reported a bill (S. No. 98,) "to incorporate Engine Company No. 1, of Youngstown, in the county of Trumbull;" which was read the first time.

Mr. Sill, from the select committee on that subject, reported a bill (S. No. 99,) "to incorporate the First Regular Baptist Church in Twinsburg, in Summit county;" which was read the first time.

Mr. Van Vorhes, from the select committee on that subject, reported a bill (S. No. 100,) "to incorporate the town of Albany, in the county of Athens," which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 95; A bill to incorporate the First Freewill Baptist Society in the township of Liberty, in the county of Licking.

S. No. 96; A bill to change the name of the town of Petersburg, in the county of Richland.)

S. No. 97; A bill to authorize the sale of school section number 16, in Amboy township, in the county of Lucas.

H. No. 89; A bill to change the corporate name of the Wardens and Vestrymen of the Parish of All Souls, in the township of Springfield, and county of Clarke, incorporated by act of March 14, 1836.

H. No. 90; A bill to lay out and establish a graded state road in the counties of Knox and Coshocton.

The following bills were read the third time and passed, to wit:

S. No. 45; An act to authorize the sale of the public square in the town of Jacksonville, in the county of Adams, for the purposes therein named.

S. No. 73; An act for the relief of Owen Martin, Daniel Griggs, Benjamin Ream, John Opp, and Felix Cull.

S. No. 85; An act to incorporate the town of Bourneville.

S. No. 89; An act to lay out and establish a state road in the counties of Fayette, Madison, Pickaway, and Franklin.

Ordered, That the title of Senate bill No. 73, be amended by adding, "and, also, of James Devor, William Martin, and Samuel Cole;" and that the titles of the other bills be as aforesaid, and that the House be informed thereof.

On motion of Mr. Stanton,

The Senate took up S. No. 11, to establish a free turnpike road from Bellefontaine to the Indiana state line.

The question occurring on agreeing to the amendments of the House, they were concurred in, with one amendment to the fourth amendment of the House.

On motion of Mr. Leonard,

The report of the Judiciary committee on House bill No. 29, to divorce Annas Whitaker from his wife Phebe Whitaker, was taken up.

The question occurring on adopting the recommendation of the committee to indefinitely postpone the bill,

Mr. Spangler demanded the yeas and nays.

Mr. Leonard asked for a call of the Senate, which was made, and Messrs. Carpenter, Dewey, Holmes, Latham, Taylor, Thomas, and Walton found absent.

On motion of Mr. Leonard,

Further proceedings under the call were dispensed with.

The question, being on the indefinite postponement of the bill, was taken by yeas and nays, as follows, to wit:

Yeas—Messrs. Barnett, Dewey, Ford, Henderson,, Nash, Root, Spangler, Thomas, Waddle, Walton, and Speaker—11.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Foss, Godman, Goodie, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Van Vorhes, and Wade—24.

So the motion did not prevail.

Mr. Root moved to amend the bill by striking out all after the exacting clause, and inserting the following:

That the sum of fifty dollars be, and the same is hereby appropriated to Annas Whitaker, to defray the expense of procuring a divorce from his wife, Phebe Whitaker, by petition in the Supreme Court.

Mr. Hostetter demanded the yeas and nays on agreeing to the amendment, which, being ordered, were, yeas 4, nays 30, as follows, to wit:

Yeas—Messrs. Barnett, Root, Thomas, and Waddle—4.

Nays—Messrs. Aten, Clark, Crowell, Dewey, Ford, Foss, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Stanton, Taylor, Van Vorhes, Wade, Walton, and Speaker—30.

So the amendment was rejected:

The question being on ordering the bill to its third reading,

Mr. Walton demanded the yeas and nays, which were ordered, and were, yeas 23, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Clark, Crowell, Foss, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Van Vorhes, and Wade—23.

Nays—Messrs. Barnett, Dewey, Ford, Henderson, Nash, Root, Spangler, Thomas, Waddle; Walton, and Speaker—11.

So the bill was ordered to its third reading to-morrow.

Mr. Thomas, agreeably to previous notice, introduced a bill (S. No. 101,) "to incorporate the Troy and Stillwater Turnpike Company;" which was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

H. No. 165; A bill for the relief of the Willoughby University.

H. No. 166; A bill to incorporate the Fifth Street Baptist Church of Cincinnati.

H. No. 167; A bill to authorize the sale of school section sixteen in the township of Chatfield, Crawford county; and also to repeal an act entitled, "an act to provide for the sale of section sixteen, in township number one, in range seventeen, in Crawford county," passed March 23, 1837.

H. No. 168; A bill for the relief of Fitzland Jennings, of Scott township, in the county of Sandusky.

Attest:

Geo. M. Ayres, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The following bills of the House have been read the third time and passed:

House bill No. 56; An act to punish certain crimes therein named, and for the prevention of a fraudulent currency.

House bill, No. 91; An act to incorporate the town of South Solon, in the county of Madison.

Attest:

Geo. M. Ayres, Clerk.

The bills of the House were read the first time.

On motion of Mr. Waddle,

The Senate resolved itself into a committee of the whole, Mr. Dewey, in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills, to wit:

S. No. 92—A bill further to amend an act entitled "an act to establish an asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject," passed March 3, 1831, without amendment.

Recommended to the standing committee on the Judiciary.

S. No. 93—A bill to incorporate the trustees of the Wesley Chapel of the Methodist Episcopal Church at Chagrin Falls, in the county of Cuyahoga, without amendment.

Recommended to the standing committee on Corporations.

On motion of Mr. McConnell,

The memorial of the salt manufacturers of the Hocking Valley was taken up and referred to a select committee of three, and Messrs. McConnell, Nash and Van Vorhes appointed that committee.

On motion of Mr. Stanton,

The Senate resolved itself into a committee of the whole Senate, Mr. Ford in the chair, on the orders of the day, and after some time spent in the consideration thereof, rose and reported the following bills, to wit:

S. No. 94—A bill to amend an act entitled "an act providing for the appointment of commissioners of sewers in certain counties in this State," passed March 26th, A. D., 1841, with several amendments; which were agreed to, and the bill was ordered to be engrossed for its third reading to-morrow.

Mr. Goodin, agreeably to previous notice, introduced a bill (S. No. 102) to amend "an act for the protection of railroads," passed March 30, 1840; which was read the first time.

Mr. Aten made the following report:

The joint standing committee on Enrolment have examined, compared and found correctly enroled, the following acts and resolutions, to wit:

H. No. 56—An act to amend the act of incorporation of the town of Felicity, in Clermont county;

H. No. 69—An act to incorporate the First Presbyterian Church of Berlin township, in Delaware county;

S. No. 41—An act to change the name of the town of Waynesburgh, in the county of Wayne;

S. No. 43—An act to amend the act entitled "an act to incorporate the Baptist Church of Dover, in Tuscarawas county;

A resolution appointing Daniel J. Swinney, of Richland county, register of the Virginia military district school lands.

On motion of Mr. Crowell,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, Clerk.

SATURDAY, JANUARY 29, 1842.

The Senate met pursuant to adjournment.

Mr. Nash presented a petition from 30 citizens of the county of Scioto, remonstrating against the passage of the bill to amend the charter of the Portsmouth Dry Dock and Steamboat Basin Company; which was referred to the standing committee on Canals.

Mr. Latham presented the proceedings of a public meeting at Picketon, in relation to the bill to amend the charter of the Portsmouth

Dry Dock and Steamboat Basin Company; which was referred to the standing committee on Canals.

Mr. Stanton presented a petition from citizens of the counties of Logan and Champaign for an amendment to the law establishing a free turnpike road from Springfield to Upper Sandusky; which was referred to the standing committee on Railroads and Turnpikes.

Mr. Root, from the standing committee on Public Institutions, to which was recommitted Senate bill No. 87, making provision for the enlargement of the Lunatic Asylum of Ohio, reported the same back with sundry amendments; which were agreed to.

Mr. Stanton moved to lay the bill upon the table; upon which motion,

Mr. Root demanded the yeas and nays; which being ordered, were—yeas 9, nays 23, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Hazeltine, Latham, Mitchell, Robbins, Stanton, Thomas and Walton—9.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Godman, Goodin, Henderson, Holmes, Hostetter, McConnell, Nash, Perkins, Ream, Ritchey, Root, Spangler, Taylor, Van Vorhes, Wade, Waddle and Speaker—23.

Mr. Hazeltine moved to recommit to the standing committee on Public Institutions, with instructions to amend the bill in the second line of the fourth section, by striking out twenty, and inserting instead thereof, the word ten.

Mr. Nash called for a division; and it turning on recommitting,

The Senate refused to recommit.

Mr. Stanton moved to strike out "two," and insert "one," in the second line of the first section.

Upon which motion, he demanded the yeas and nays; which being ordered, were—yeas 6, nays 27, as follows, to wit:

Yeas—Messrs. Aten, Crowell, Dewey, Mitchell, Robbins and Stanton—6.

Nays—Messrs. Barnett, Bartley, Carpenter, Clark, Ford, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Root, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—27.

So the motion did not prevail.

The question then turned on ordering the bill to be engrossed for its third reading; upon which,

Mr. Stanton demanded the yeas and nays; which being ordered, were—yeas 25, nays 8, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Henderson, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Root, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

Nays—Messrs. Aten, Bartley, Hazeltine, Holmes, Mitchell, Robbins, Stanton and Walton—8.

So the bill was ordered to be engrossed for its third reading on Monday next.

Mr. Bartley, from the standing committee on the Judiciary, to which the bill (S. No. 9) "to confirm and establish the seat of justice for Lucas county," was referred, made the following report, and recommended that the bill be amended :

The standing committee on the Judiciary, to whom was committed Senate bill No. 9, entitled, "a bill to confirm and establish the seat of justice for Lucas county," have had the same under consideration, and a majority of the committee new report:

They feel no inconsiderable degree of embarrassment in entering upon the determination of a matter attended with considerations of delicacy and difficulty, and surrounded with an intensity of interest on the part of those immediately concerned. But, inasmuch as the responsibility has been imposed upon them, they will not shrink from an explicit and distinct expression of the conclusions to which they have come, from the examination which they have been enabled to give the subject.

It appears that, in 1837 the seat of justice for Lucas county was fixed and established at Toledo, by commissioners, pursuant to a joint resolution of the General Assembly, passed April 1, 1837. And a part of the inhabitants of said county being dissatisfied with said location, applied to the legislature for a review and relocation of the county seat; which resulted in the appointment of commissioners by joint resolution of the General Assembly, at the session of 1839-40, for that purpose. The commissioners, under the authority of said last resolution, proceeded to review and relocate the seat of justice for said county, and fixed and established the same at Maumee, upon the following conditions, to wit:

First. That three, or more, of the citizens of Maumee would give satisfactory bonds to the commissioners of said county, to procure, for the use of the county, within a given term, a good and sufficient title for the necessary lands for the comfortable accommodation of the public buildings, free of charge to the county.

And, second. That said citizens should further bind themselves for the building of the court house and jail, to the amount of at least \$10,000, to be built after a plan to be furnished by the commissioners of said county, after their direction, and subject to their inspection and acceptance, on condition that the seat of justice should be fixed on said land, and the courts held, and the several public offices kept at that place.

It is not denied, that these conditions have been complied with on the part of the citizens of Maumee. The title to the neces-

sary lands has been conveyed, and a court house has been erected and completed to the satisfaction and acceptance of the county commissioners, at an expense of \$8,600; and the balance of the \$10,000 is alleged to be ready to be applied, at the option of the county commissioners, to the erection of a county jail.

But, an objection has been raised to the legality of the action of the legislature, in appointing the commissioners to review and relocate said county seat by joint resolution; upon which question the judges of the supreme court and of the court of common pleas, as well as the county officers of said county, hold conflicting opinions—those on one side refusing to recognize as the seat of justice, the place claimed to be such by those on the other. It is claimed by the friends of Toledo, that there was no law on our statute book authorizing the appointment, by joint resolution, of commissioners to review a county seat; that, in order to have made the appointment of those commissioners, legally, it should have been done by an act of the General Assembly, instead of a joint resolution; and that the joint resolution being absolutely void, and the proceedings of the commissioners under it a nullity, the seat of justice remains unremoved from Toledo. On the other hand, it is claimed by the friends of Maumee, that the joint resolution appointing the commissioners of review was legal and valid; that it has the sanction of former precedents and practice in like cases; and that the seat of justice of said county is not only at Maumee, *de facto*, but in due form established there.

The question here raised presents considerable difficulty, and is unsettled, in this state, at least. It is said that the judges of the supreme court are equally divided upon it; and that the cause pending at this time in the court in bank, upon this question, has been continued for the last two terms on account of the hesitation of the court to decide upon it. This question does not, however, present any obstacles in the way of the proposed action of the legislature upon the subject. The majority of the committee, therefore, do not conceive it necessary to go into any investigation of this question, as their opinion upon it can neither create nor supersede the necessity of the direct action of the legislature. The doubt and uncertainty which hangs around this subject, the conflicting opinions, and the unsettled and deranged state of the business of the county of Lucas, imperatively call for the direct interference of the legislative authority to put this vexed and long agitated subject at rest.

The objection to the legality of the location of the seat of justice at Maumee relates entirely to the form and manner in which the authority was conferred upon the commissioners. There is

no reason to doubt but that the legislature intended to clothe the commissioners with full and proper authority; and that, if this question had been raised on the passage of the resolution, the authority would have been conferred by an enactment, instead of a resolution. Even admitting, therefore, that the objection to the new location be well taken, there would seem to be a great propriety in the General Assembly's correcting its own error, committed unintentionally, and through inadvertence at a former session. The majority of the committee are, therefore, of the opinion that a bill should be passed confirming the location of the seat of justice at Maumee, unless there exist some good and sufficient cause for setting aside the proceedings of said commissioners, and removing the seat of justice back to Toledo.

Does such good and sufficient cause exist? This inquiry involves a consideration of the comparative claims of Maumee and Toledo to the seat of justice of Lucas county.

The law of this state which prescribes the duty of commissioners in locating county seats, requires, in substance, the location to be made chiefly upon the following considerations:

First, and most important. Some eligible place, as near the centre of the territory and population of the county as possible;

And, secondly. Such central place to be selected with due regard to the convenience and interests of the inhabitants, and the commercial and manufacturing facilities afforded by the place.

The convenience and interests of the inhabitants of Lucas county do, at the present time, and probably will, in all time to come, require the seat of justice to be on the Maumee river. The city of Maumee is situated at that point which is nearer than any other on the river to the centre of the county, it being about 17 or 18 miles, each way, from Maumee to the county line, in a northeasternly and southwestwardly direction. Toledo is situated rather in one corner of the county, and within from four to six miles of the Michigan line. Maumee is from four to seven miles nearer the geographical centre of the county than Toledo. If a circle be drawn around Maumee as a centre, 17 or 18 miles distant from it, there would be embraced within it, probably, three-fourths of the inhabitants of the county. A majority of the people of the county by several thousands, according to the census of 1840, reside within six miles nearer to Maumee than to the city of Toledo. As far, therefore, as the geographical centre, as well as the centre of the population, is concerned, the advantage seems to be very decidedly in favor of Maumee.

As to the commercial and manufacturing facilities and business of the two places, each one claims the ascendancy; and many contradictory representations have been made to the committee on this subject. From all that can be ascertained, it is the

opinion of the majority of the committee that the difference, in this respect, between the two places, cannot be so great as to make it a matter of very material importance in selecting the place for the county seat.

It is claimed on one side, that the majority of the citizens of the county are in favor of Toledo as the county seat; and, on the other side, it is claimed that the majority are in favor of Maumee. And, from the conflicting representations made, and all the lights afforded on this point, it is not very easy to form any very satisfactory conclusions in regard to it. To say the least, it is a matter of uncertainty which place is, in fact, preferred by the majority of the people of the county. The difference between the population of the two places, is not sufficiently great to make that circumstance a matter of any importance in selecting the county seat.

These are, very briefly, the conclusions which the majority of the committee have arrived at, from the attention which they have been enabled to give to the immense mass of conflicting exhibits and testimony laid before them.

They are not able to perceive that the commissioners, by whom the county seat was located at Maumee, have committed any error; and are, therefore, of the opinion that there exists, not only no good and sufficient cause for setting aside the proceedings of said commissioners, but that there is good reason, and an urgent necessity for confirming their acts by a direct enactment on that subject.

The majority of the committee, therefore, report back the bill, with the following amendment, to wit:

Strike out all after the enacting clause, and insert in lieu thereof, the following:

"That the seat of justice of Lucas county be, and the same is hereby, confirmed and established in Maumee City, at the place, and upon the conditions, heretofore designated by commissioners appointed to review and relocate the same, and upon which the court house has been erected."

The question occurring on striking out all after the enacting clause, and inserting the following: "That the seat of justice of Lucas county be, and the same is, hereby confirmed and established in Maumee City, at the place, and upon the conditions heretofore designated by commissioners appointed to review and relocate the same, and upon which the court house has been erected,"

Mr. Nash moved to amend the bill by striking out all after the word "Lucas," in line two, of section one, and inserting the following: "is, and the same is hereby declared to be at the city of Toledo."

On which motion, the yeas and nays being demanded, were ordered, and were—yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Carpenter, Clark, Dewey, Ford, Foos, Godman, Nash, Perkins, Ream, Root, Taylor, Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Barnett, Bartley, Crowell, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, McConnell, Robbins, Sill, Spangler, Stanton, Walton and Speaker—17.

So the amendment was rejected.

The question recurring on striking out and inserting,

Mr. Stanton called for a division of the question, and it turning on striking out, the yeas and nays being demanded, they were ordered, and were—yeas 19, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, McConnell, Robbins, Sill, Spangler, Stanton, Taylor, Waddle and Walton—19.

Nays—Messrs. Carpenter, Clark, Dewey, Foos, Godman, Leonard, Nash, Perkins, Ream, Root, Thomas, Van Vorhes, Wade and Speaker—14.

So the Senate agreed to strike out.

The question then occurring on inserting the amendment offered by the Judiciary committee,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, McConnell, Robbins, Spangler, Waddle and Walton—16.

Nays—Messrs. Carpenter, Clark, Dewey, Foos, Godman, Leonard, Nash, Perkins, Ream, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade and Speaker—17.

So the Senate refused to insert.

On motion of Mr. Thomas,

The report was then laid upon the table.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 93, to incorporate the trustees of the Wesley Chapel of the Methodist Episcopal Church, at Chagrin Falls, in the county of Cuyahoga, reported the same back without amendment.

On motion of Mr. Ford,

The bill was amended, and

Ordered to be engrossed for its third reading on Monday.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted Senate bill No. 74, to lay out and establish a State road in the counties of Williams and Lucas, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to be engrossed for its third reading on Monday.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 88, to authorize the holding of special terms of the court of common pleas, within and for the county of Scioto, for criminal and other business, reported the same back without amendment, and the bill was

Ordered to be engrossed for its third reading on Monday next.

Mr. Aten made the following report:

The joint standing committee on Enrolment have deposited the following acts and resolutions in the office of the Secretary of State, and taken his receipt for the same, to wit:

An act to incorporate the First Regular Baptist Church and Society in Napoleon, Henry county;

An act to incorporate the Chagrin Falls Mechanics' Library Association, in the county of Cuyahoga;

An act to incorporate the town of Waverly, in the county of Pike, and state of Ohio;

An act to extend the corporate limits of Higginsport, in Brown county;

An act to incorporate the town of West Rushville, in the county of Fairfield;

An act to incorporate the Mechanics' Institute of Urbana;

An act to confirm and establish the seat of justice for Williams county;

An act to repeal the charter of the German Bank of Wooster, and to close its affairs;

A preamble and resolutions in relation to a Marine Hospital at Cleveland.

Mr. Aten made the following report:

The joint standing committee on Enrolment have examined, compared and found correctly enroled the following acts, to wit:

An act to incorporate the Philomathean Literary Society of the Monroe Academy;

An act to repeal a part of the act entitled "an act for the relief of Stephen D. Cutler and others," passed March 25, 1841.

Mr. Holmes, from the select committee on that subject, reported the following bill, which was read the first time:

S. No. 103; A bill to incorporate Kaal a Kadesh Beni Jeshurun (Holy Congregation of Children of Jeshurun) of the city of Cincinnati.

Mr. Stanton, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 104; A bill to authorize the sale of the real and personal property of the Urbana Academy.

Mr. Waddle, to whom was recommitted House bill No. 50, to lay out and establish a graded State road in the counties of Harrison and

Guernsey, reported the same back with amendments; which were agreed to, and the bill

Ordered to its third reading on Monday next.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 98; A bill to incorporate Engine Company, No. 1, of Youngstown, in the county of Trumbull;

S. No. 99; A bill to incorporate the First Regular Baptist Church, in Twinsburg, in Summit county;

S. No. 100; A bill to incorporate the town of Albany, in the county of Athens;

H. No. 91; A bill to incorporate the town of South Solon, in the county of Madison;

S. No. 101; A bill to incorporate the Troy and Stillwater Turnpike Company;

H. No. 56; A bill to punish certain crimes therein named, and for the prevention of a fraudulent currency.

S. No. 102; A bill to amend "an act for the protection of Railroads," passed March 20, 1840.

The following bill was read the third time and passed:

S. No. 94; A bill to amend an act entitled "an act providing for the appointment of commissioners of sewers in certain counties in this state," passed March 26, 1841.

Ordered, That the title be so amended as to read "an act to extend the provisions of the act entitled 'an act providing for the appointment of commissioners of sewers in certain counties in this state,'" passed March 26, A. D., 1841, to the counties of Logan and Miami, and that the House be informed thereof.

The following bill was read the third time, to wit:

H. No. 29; An act to divorce Annas Whitaker from his wife Phebe Whitaker.

The question occurring on the passage of the bill,

Mr. Thomas moved that the following preamble be prefixed to the bill by way of ryder:

Whereas, it appears to this General Assembly, that Phebe Whitaker, wife of Annas Whitaker, has been guilty of adultery with one Jefferson Beverstock; and, whereas, the said Annas Whitaker filed his petition in the supreme court for Richland county, asking a divorce for the cause aforesaid, on the hearing of which, and of the testimony introduced and adduced to the court, the said petition was dismissed by the court; Therefore,

Mr. Stanton offered the following as an amendment to the preamble presented by Mr. Thomas:

And, whereas, additional evidence has been discovered since the hearing of the cause, in said supreme court, which leaves no doubt of the truth of the charge; Therefore,

The question occurring on agreeing to the amendment offered by Mr. Stanton,

Mr. Thomas demanded the yeas and nays, which, being ordered, were, yeas 4; nays 29, as follows, to wit:

Yeas—Messrs. Goodin, Stanton, Taylor and Speaker—4.

Nays—Messrs. Aten, Barnett, Clark, Crowell, Dewey, Ford, Foos, Godman, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McDonnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Thomas, Van Vorhes, Wade, Waddle and Walton—29.

So the amendment was not agreed to.

The question then occurring on the preamble offered by Mr. Thomas, Mr. Leonard demanded the yeas and nays, which, being ordered, were, yeas 6, nays 27, as follows, to wit:

Yeas—Messrs. Barnett, Nash, Root, Spangler, Thomas and Waddle—6.

Nays—Messrs. Aten, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Van Vorhes, Wade, Walton and Speaker—27.

So the preamble was rejected.

The question then occurring on the passage of the bill,

The yeas and nays were demanded, and were, yeas 21, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Clark, Crowell, Foos, Godman, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Van Vorhes and Wade—21.

Nays—Messrs. Barnett, Dewey, Ford, Henderson, Nash, Perkins, Root, Spangler, Thomas, Waddle, Walton and Speaker—12.

So the bill passed.

Ordered, That its title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read a first time, to wit.

H. No. 169; A bill to provide for the sale of the residue of section twenty six, in Columbia township, in Meigs county;

H. No. 170, A bill to confirm and legalize the judicial and ministerial acts of Wales B. Bonney, a Justice of the Peace, of Oxford township, in the county of Butler;

H. No. 171; A bill to incorporate the Roman Catholic Church, in Vernon township, Richland county, under the name and style of Jesus' Heart;

H. No. 172; A bill to amend an act entitled "an act prescribing the duties of county treasurers," passed March 12, 1831;

H. No. 173; A bill to review and locate so much of the State road leading from Mt. Pleasant to Martinsville, as lies between the Little Fork of Short creek and Glenn's run;

H. No. 174; A bill to incorporate a Literary Society, in Marietta, Washington county;

H. No. 175; A bill to provide for the execution and record of contracts for the sale and mortgage of personal property unaccompanied with possession.

Attest:

GID. M. AYRES, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

House bill No. 27—to incorporate the Trustees of the Central College of Ohio;

House bill No. 97—to lay out and establish a State road in the counties of Harrison, Marion and Union;

House bill No. 101—to lay out and establish a graded State road in the counties of Jefferson and Harrison;

House bill No. 102—to lay out and establish a State road in the counties of Erie, Lorain and Huron;

The following bills of the Senate have been read the third time and passed, No. 14 without, and No. 46 with amendment:

Senate bill No. 46—to incorporate the Presbyterian Church of Cross creek, in the county of Jefferson;

Senate bill No. 14—to authorize the trustees of school section, number sixteen, in Hopewell township, Seneca county, to lease said school lands.

The House has agreed to the Senate amendment to the 4th amendment of the House to Senate bill No. 11.

Attest:

GID. M. AYRES, *Clerk*.

The bills of the House were read the first time.

The Senate agreed to the House amendment to Senate bill No. 46.

Mr. Ford gave notice, that he would on Monday, or some subsequent day of this session, ask leave to introduce a bill to amend the act to incorporate the First Methodist Episcopal Church, in Brooklyn, county of Cuyahoga; also, a bill to amend the act to incorporate the Protestant Methodist Academy, in the village of Brighton, in the county of Cuyahoga.

On motion of Mr. Nash,

Resolved, That the Board of Public Works be requested to communicate to the Senate, at as early a day as practicable, answers to the following inquiries, to wit:

First: The rate of tolls charged for the transportation of salt, the manufacture of Ohio, upon the canals of this State, and the Muskingum river?

Second: The rate of tolls charged on the same, for the transportation of salt, the manufacture of the State of New York?

Third: Whether tolls on salt; and other articles, are graduated according to the distance the same are transported; and, if so, what is the rate for the shortest, and all other distances?

Fourth: Whether the salt on the Hocking canal and Muskingum river is charged with tolls at the highest rates to the junction of the Ohio canal, and there compelled to receive a new permit, and charged again, at the highest rates of toll, as though first shipped at that point; and, if this is done, the reason why it is, and the reason why the salt cannot be permitted to be cleared at first for its ultimate port of destination on the Ohio canal?

Fifth: For what distance, and at what rates, are tolls charged upon salt coming from the State of New York, and transported on the Ohio canal; and whether such foreign salt is not permitted to be transported free of tolls on the Ohio canal, after having passed certain distances or points; and, if so, to state the distance on which toll is charged, and the distance on which no toll is paid?

Sixth: Whether any drawback is allowed upon the transportation of salt coming from New York, under any circumstances; and, if so, what that drawback is, and under what circumstances it is allowed?

Seventh: Whether said board having knowledge or information as to any drawback allowed by the State of New York upon salt, the manufacture of that State, which is sent to Ohio, and transported to certain points on the Ohio canal; and, if so, that they communicate what is the amount of that drawback, and under what circumstances it is allowed?

On motion of Mr. Hazeltine,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

MONDAY, JANUARY 31, 1842.

The Senate met pursuant to adjournment.

Mr. McConnell presented a petition from citizens of McConnellsville, praying the passage of a law creating a lien on buildings erected by mechanics; which was

Referred to the standing committee on the Judiciary.

Mr. Taylor presented a petition from citizens of Licking county, asking the passage of a law for the appraisement of personal property subject to sale under execution; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes presented a memorial from the President and Secretary of the Hamilton county Association of Teachers; and, also, the report of a select committee on the subject of the defects of the Ohio school laws; which were

Referred to the standing committee on Schools and School Lands.

Mr. Holmes, also, presented a petition from Samuel Brown, and others, asking for an act of incorporation of the Religious Society of United Brethren in Christ, of Cincinnati; which was

Referred to a select committee of one, and Mr. Holmes appointed that committee.

Mr. Holmes, also, presented a petition from 32 citizens of Lake county, asking for a law to correct the abuses perpetrated by railroad companies under the law of 1837, and the amendatory act of 1840; which was

Referred to the standing committee on Railroads and Turnpikes.

Mr. Holmes presented a petition from sundry citizens of Champaign county, in relation to the Mad River and Lake Erie Railroad Company; which was

Referred to the standing committee on Railroads and Turnpikes.

Mr. Holmes, also, presented a memorial from James Bradford and his associates, of Scioto county, in relation to the southern termination of the Ohio canal; which was

Referred to the standing committee on Canals.

Mr. Holmes, also, presented the report of a committee of the Hamilton county Association of Teachers, in relation to certain defects in the school law; which was

Referred to the standing committee on Schools and School Lands.

Mr. Ford presented a remonstrance from citizens of the city of Cleveland, against any alteration of the charter of said city; which was

Referred to the standing committee on the Judiciary.

Mr. Walton, from the standing committee on the Judiciary, to which was referred the petition of John Jeffrey and others, praying the legislature to legalize the acts of said John Jeffrey, as a justice of the peace of Congress township, in the county of Wayne, made the following report; which was agreed to:

The committee on the Judiciary, to which was referred the petition of John Jeffrey, and others, praying the passage of an act to legalize the official acts of said John Jeffrey, as a justice of the peace of Congress township, Wayne county, Ohio, have had the same under consideration, and now report:

The petitioners represent that John Jeffrey is a native of Ireland, made his application to become a citizen of the United States of America, in the year one thousand eight hundred and twenty-four, and then, and up to a short period since, supposed himself to be a citizen of the United States, and, as such, was elected to the office of justice of the peace, in said township, and held the said office from the 22d day of January, 1839, since. That about the 8th day of November, 1841, he made application to the court of common pleas of Richland county, and obtained his final certificate as a citizen of the United States. That during that period, he, as such justice of the peace, transacted considerable business. And as the facts may lead

to difficulties and litigation, the petitioners pray that we may pass an act, legalizing the official acts of said John Jeffrey, as such justice, &c.

The facts here present a case somewhat novel, and at first view, would seem to present some difficulties; but on careful examination, it is found that other supposed difficulties imperceptibly vanish. An alien, by our constitution and laws, is disabled from holding any office under our government, not bearing any allegiance to our country or its institutions. Here, then, is a case presented to your committee, where an alien, (for his declaration of intention to become a citizen in 1824, did not remove the disability of alienage) on the 22d of January, 1839, and during his alienage, was elected to the office of a justice of the peace, and we presume, was commissioned, took the oath of office, and gave bond according to law, and took upon himself the burden, duty and exercise of the office, and so continued to exercise the duties of this office, when on the 8th November, 1841, he was naturalized by taking the final oath, according to the act of congress. The question then arises, are his public official acts valid? In order to settle this question, it becomes necessary to inquire what this disability of alienage is? and how does it affect the official acts of the officer exercising the office during such disability? The disability of alienage is a personal disability, and affects the right of the alien to hold the office, and affects his title or tenure to the office; and this disability, or defect of title, can only be taken advantage of in a suit to eject him out of his office; the usual proceeding for this purpose, is the writ of *quo warranto*, inquiring by what warrant the person exercises the duties of the office. The justice of the peace then, in this case, having been elected, qualified and installed into office, with usual legal formalities, is therefore, a justice, or officer *de facto*, and so far as his official acts affect the public, if done in legal form, are valid, and as much so as if he were a justice *de jure*, notwithstanding his tenure and title to the office, during the disability, was bad.

There is, therefore, no necessity for any legislation on the subject, and the committee ask to be discharged from the further consideration of the subject, and recommend that the petitioners have leave to withdraw their petitions.

Mr. Walton, from the same committee, to which was referred the memorial of John Hains, made the following report; which was agreed to:

The committee on the Judiciary, to which was referred the memorial of John Hains, have had the same under consideration and report:

The memorialist informs us that there is a case in Massillon, where, by a decretal order of a court in chancery, a sale was made, and the person whose property was sold, refuses to deliver possession, and the purchaser is very anxious to get possession. He therefore, prays "that proceedings under the act entitled, 'an act to regulate the action of forcible entry and detainer,' passed February the 25th, 1831,

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may be had in all cases of tenants in possession, on sales made by any decretal order of a court of chancery, after such sales shall have been examined by the proper court, and the same by such court adjudged legal, when such tenants in possession, on notice, refuse to deliver the possession to the purchaser under such decretal order."

If no mischief nor inconvenience could, at present, be perceived to grow out the proposed alteration of the law, your committee would deem it unwise legislation to adopt so important a change in the jurisprudence of the state, to meet individual or isolated cases. But more especially would they repudiate the proposed change, when it would wholly unsettle the law, and endanger the rights of parties in interest, to real property. It is generally of more importance that the laws affecting the rights and remedies in relation to real property, be fixed and certain, than what the laws are. To *know* the rule, is often of more importance than the *rule* itself. The usual remedy against the vender of real estate, where the sale is made either by the sheriff, on execution, or by a master in chancery, under a decree, is the action of ejectment. But it not unfrequently happens, that the purchaser must seek his relief in chancery. Whilst on the other hand, it is quite usual that the tenant in possession, or vender under such sales, where proceedings are commenced against him on the law side of the court, is driven to seek his relief by a bill in chancery, for injunction and relief. And it not unfrequently happens, that the most abstruse questions of law and equity, are involved, both in matters connected with the title to the realty, and with the proceedings under which, sale was made—questions altogether beyond the competency of the court of two justices, and their jury of six.

Your committee, therefore, ask to be discharged from the further consideration of the subject, and that the memorialist have leave to withdraw his memorial.

Mr. Walton, from the committee to which was referred the letter of William Slade, made the following report; which was agreed to:

The committee on the Judiciary, to which was referred the letter of William Slade, have had the same under consideration and report:

Mr. Slade desires the passage of a law to confer, in direct terms, power in masters in chancery, to sell land under a decree in chancery.

The committee think there is no necessity for legislation on this subject. It is a part of the every day practice of the court of chancery in this state, under the existing laws, to decree that sales of land be made by a master named in the decree. It is a plain principle of chancery jurisdiction, that the chancellor may provide by the decree, for the execution of the decree, in the manner best calculated to affect the equitable objects of the decree. This is a common principle of a court of equity. Has our statute, in anywise altered the law of this court, on this subject? The committee think not, further than to enable the sheriff to sell, as well as a master, and in cases where the sheriff sells, his faithful performance is covered by his

official bond, which was not the case previous to the passage of the act of 14th March, 1838. By this statute, masters may also be required to give bond.

The committee, therefore, ask to be discharged from the further consideration of the subject, and recommend that the correspondent have leave to withdraw his communication.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitteed Senate bill, No. 83, to amend the act entitled, "an act for the appointment of guardians," passed February 6, 1824, reported the same back without amendment, and recommended its engrossment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Van Vorhes, from the select committee on that subject, reported the following bill; which was read the first time.

S. No. 105; A bill to authorize the auditor of the county of Athens, to transcribe certain records, and to make the same proper evidence.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 103; A bill to incorporate the Kaal a Kadesh Beni Jeshurun (Holy Congregation of children of Jeshurun) of the city of Cincinnati.

S. No. 104; A bill to authorize the sale of the real and personal property of the Urbana academy.

H. No. 27; A bill to incorporate the trustees of the Central College of Ohio.

H. No. 97; A bill to lay out and establish a state road in the counties of Hardin, Marion, and Union.

H. No. 101; A bill to lay out and establish a graded state road in the counties of Jefferson and Harrison.

H. No. 102; A bill to lay out and establish a state road in the counties of Erie, Lorain, and Huron.

The following bills were read the third time and passed, to wit:

H. No. 50; An act to lay out and establish a graded state road in the counties of Harrison and Guernsey.

S. No. 88; An act to authorize the holding of special terms of the court of common pleas, within and for the county of Scioto, for criminal and other business.

S. No. 74; An act to lay out and establish a state road in the counties of Williams and Lucas.

S. No. 93; An act to incorporate the trustees of the Wesley Chapel of the Methodist Episcopal Church, at Chagrin Falls, in the county of Cuyahoga.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

The following bill was read the third time.

S. No. 87; An act making provisions for the enlargement of the Lunatic Asylum of Ohio.

The question occurring on the passage of the bill,

Mr. Stanton moved to recommit the bill to the standing committee on Finance, with certain instructions.

Mr. Taylor called for a division of the question, and it turning on recommitting,

Mr. Root demanded the yeas and nays, which, being ordered, were, yeas 8, nays 24, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Holmes, Mitchell, Robbins, Stanton, and Walton—8.

Nays—Messrs. Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Hostetter, Latham, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wado, Waddle, and Speaker—24.

So the Senate refused to recommit.

The question then recurring on the passage of the bill,

Mr. Stanton demanded the yeas and nays, which, being ordered, were, yeas 24, nays 8, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Dewey, Ford, Foos, Godman, Goodin, Holmes, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle, and Speaker—24.

Nays—Messrs. Aten, Bartley, Hazeltine, Latham, Mitchell, Robbins, Stanton, and Walton—8.

So the bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

H. No. 176; A bill to incorporate the Second Presbyterian Church of Oxford, in the county of Butler.

H. No. 177; A bill to amend the act entitled, "an act to regulate the admission of attorneys and counsellors at law."

H. No. 178; A bill to incorporate the First Baptist Church of Huntington, Lorain county, Ohio.

H. No. 179; A bill to incorporate the First Regular Baptist Church and Society of Henrietta, Lorain county, Ohio.

Attest:

GID. M. AYRES, *Clerk*.

On motion of Mr. Spangler,

The Senate took up the report of the Secretary of State, in reference to the condition of Common Schools.

On motion of Mr. Spangler,

The report was referred to the standing committee on Schools and School Lands.

Mr. Bartley offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the

resolution in relation to the southern termination of the Ohio canal, passed by the General Assembly of the state of Ohio, March 16, 1839, be and the same is hereby rescinded.

Mr. Nash moved to refer the resolution to the standing committee on Canals; on which motion,

Mr. Nash demanded the yeas and nays, which, being ordered, were, yeas 16, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Dewoy, Ford, Foos, Godman, Goodin, Latham, McConnell, Nash, Perkins, Sill, Thomas, Van Vorhes, Wade, and Waddle—16.

Nays—Messrs. Aten, Bartley, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Walton, and Speaker—16.

So the Senate refused to recommit.

Mr. Nash then moved to lay the resolution on the table; which was agreed to.

Mr. Ford, agreeably to previous notice, introduced the following bills, which were read the first time.

S. No. 106; A bill to amend the act entitled, "an act to incorporate the First Protestant Methodist Society in the township of Brooklyn, in the county of Cuyahoga," passed March 17, 1840.

S. No. 107; A bill to amend the act entitled, "an act to incorporate the Protestant Methodist Academy in the village of Brighton, in the county of Cuyahoga," passed March 17, 1840.

Mr. Robbins, agreeably to previous notice, introduced the following bill, which was read the first time:

S. No. 109; A bill to quiet land titles in the Virginia military district, north west of the Ohio river.

Mr. Van Vorhes, agreeably to previous notice, introduced the following bill; which was read the first time:

S. No. 108; A bill to divorce Ralph Bingham from his wife, Esther Bingham.

Mr. Thomas gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto.

On motion of Mr. Holmes,

The Senate took up Senate bill No. 71, to incorporate the St. Xavier college. Sundry amendments were agreed to, and the bill was then ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Goodin,

The Senate took up Senate bill No. 77, to incorporate the town of Tiffin, in the county of Seneca; and after the adoption of sundry amendments, the bill was ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Perkins,

The Senate resolved itself into committee of the whole, Mr. Ford in the chair, on the orders of the day; and after some time spent in

the consideration thereof, the committee rose and reported back the following bill, without amendment:

S. No. 76; A bill to regulate banking in Ohio.

On motion of Mr. Latham,

The bill was recommitted to the standing committee on the Currency.

On motion of Mr. Ream,

The Senate took up Senate bill No. 21, to incorporate the Jackson Mill Company.

The question occurring on the passage of the bill,

The bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Holmes in the chair, on the orders of the day; and after some time spent in the consideration thereof, the committee rose and reported back the following bill, with sundry amendments:

H. No. 39; A bill to provide for the valuation and sale of the Canal lands belonging to the state of Ohio, and also, to amend the acts now in force in relation thereto.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on Public Lands.

On motion of Mr. Spangler,

The Senate again resolved itself into committee of the whole, Mr. Nash in the chair, on the orders of the day; and after some time spent in the consideration thereof, the committee rose and reported back the following bill, without amendment:

H. No. 21; A bill to amend the act entitled, "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824.

On motion of Mr. Walton,

The bill was recommitted to the standing committee on the Currency.

On motion of Mr. Ford,

The Senate again resolved itself into committee of the whole, Mr. Taylor in the chair, on the orders of the day; and after some time spent in the consideration thereof, reported back the following bills:

H. No. 19; A bill to lay out and establish a state road, in the counties of Lucas, Ottawa, and Sandusky, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 82; A bill to authorize the commissioners of Delaware county to correct the duplicate of the revaluation of real property in the said county, under the act of March 13, 1840, without amendment.

Recommitted to the standing committee on Finance.

On motion of Mr. Spangler, it was

Resolved, by the General Assembly of the State of Ohio, That the Treasurer of State, on the certificate of the Auditor of State, be authorized to receive taxes on lands and town lots returned delinquent for the year 1841, until the 15th day of March next.

On motion of Mr. Henderson,

The Senate again resolved itself into committee of the whole, Mr. Root in the chair, on the orders of the day; and after the consideration thereof, the committee rose and reported back the following bills, to wit:

H. No. 56; A bill to punish crimes therein named, and prevention of a fraudulent currency, without amendment.

Recommitted to the standing committee on the Judiciary.

H. No. 89; A bill to change the corporate name of the Wardens and Vestrymen of the parish of All Souls, in the town of Springfield, and county of Clark, incorporated by act of March 14, 1836, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 90; A bill to lay out and establish a graded state road, in the counties of Knox and Coshocton, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 27; A bill to incorporate the trustees of the Central College of Ohio, without amendment.

Recommitted to the standing committee on Colleges and Universities.

H. No. 97; A bill to lay out and establish a state road, in the counties of Hardin, Marion, and Union, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 101; A bill to lay out and establish a graded state road, in the counties of Jefferson and Harrison, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 102; A bill to lay out and establish a state road, in the counties of Erie, Lorain, and Huron, with one amendment; which was agreed to.

Recommitted to the standing committee on Roads and Highways.

H. No. 91; A bill to incorporate the town of South Solon, in the county of Madison, without amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Henderson,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

TUESDAY, FEBRUARY 1, 1842.

The Senate met pursuant to adjournment.

Mr. Nash presented a memorial from 21 citizens of Scioto county, against the passage of the bill to amend the Portsmouth Dry Dock and Steamboat Basin Company; which was referred to the standing committee on Canals.

Mr. Ford presented a petition from citizens of Cuyahoga county for the unconditional repeal of the law authorizing a loan of credit to railroad companies; which was referred to the standing committee on Railroads and Turnpikes.

Mr. Ream presented a petition from 91 citizens, praying for an act to incorporate the town of Dover, in Tuscarawas county; which was referred to a select committee of one, and Mr. Ream appointed that committee.

Mr. Crowell presented a petition from citizens of Warren, Trumbull county, Ohio, praying for an act to incorporate the Parish of Christ Church in the town of Warren; which was referred to a select committee of one, and Mr. Crowell appointed that committee.

Mr. Ford presented a memorial from the President, Directors and Company of the Cincinnati, Lebanon and Springfield Turnpike Company, for an amendment to the charter of said company; which was referred to the standing committee on Railroads and Turnpikes.

Mr. Ford also presented a remonstrance from citizens of Cleveland, against any alteration of the charter incorporating said city; which was referred to the standing committee on the Judiciary.

Mr. Nash presented a petition from 313 citizens of the counties of Gallia and Jackson, for an alteration of the State road leading from Gallipolis to Chillicothe; which was referred to the standing committee on Roads and Highways.

Mr. Nash also presented a remonstrance from sundry citizens of the county of Gallia, against any alteration in the State road leading from Gallipolis to Chillicothe; which was referred to the standing committee on Roads and Highways.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was recommitted Senate bill No. 90, to incorporate the Seneca Railroad Company, reported the same back without amendment, and recommended its engrossment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Ford, from the same committee, to which was referred the petition of citizens of Scioto, Pike and Ross counties, praying that the Portsmouth and Columbus Turnpike Company may be authorized to erect a toll bridge across the Scioto river at Piketon, reported the following bill; which was read the first time:

S. No. 110—A bill to authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river.

Mr. Goodin, from the standing committee on Corporations, to which was recommitted House bill No. 73, to amend the act amend-

atory of an act to incorporate the town of Wellsville, in the county of Columbiana, passed February 18, 1834, reported the same back, and asked to be discharged from the further consideration thereof, and recommended that the bill be referred to the standing committee on the Judiciary; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No 91, reported the same back without amendment, and recommended its third reading.

Ordered to be read a third time on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 89, to change the corporate name of the Wardens and Vestrymen of the Parish of All Souls, in the township of Springfield and county of Clark, incorporated by act of March 14, 1836, reported the same back without amendment, and recommended that the bill be read a third time.

Ordered to its third reading on to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which they had been recommitted, reported back the following bills, to wit:

H. No. 101—A bill to lay out and establish a graded State road in the counties of Jefferson and Harrison, with amendments; which were agreed to, and the bill ordered to be read a third time on to-morrow;

H. No. 102—A bill to lay out and establish a State road in the counties of Erie, Lorain and Huron, with amendments; which were agreed to, and the bill ordered to its third reading on to-morrow;

H. No. 19—A bill to lay out and establish a State road in the counties of Lucas, Ottawa and Sandusky, with one amendment; which was agreed to, and the bill ordered to its third reading on to-morrow;

H. No. 97—A bill to lay out and establish a State road in the counties of Hardin, Marion and Union, with one amendment; which was agreed to, and the bill ordered to its third reading on to-morrow;

H. No. 90—A bill to lay out and establish a graded State road in the counties of Knox and Coshocton, with amendments; which were agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Holmes, from the select committee on that subject, introduced the following bill; which was read the first time:

S. No. 112—A bill to incorporate the United Brethren in Christ of Cincinnati.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 105—A bill to authorize the Auditor of the county of Athens to transcribe certain records, and to make the same proper evidence;

S. No. 106—A bill to amend the act entitled "an act to incorporate the First Protestant Methodist Society in the township of Brooklyn, in the county of Cuyahoga," passed March 17, 1840;

S. No. 107—A bill to amend the act entitled "an act to incorporate the Protestant Methodist Academy, in the village of Brighton, in the county of Cuyahoga," passed March 17, 1840;

S. No. 108—A bill to divorce Ralph Bingham from his wife, Esther Bingham;

S. No. 109—A bill to quiet land titles in the Virginia military land district north west of the Ohio river.

The following bills were read the third time and passed, to wit:

S. No. 71—An act to incorporate the St. Xavier College;

S. No. 77—An act to incorporate the town of Tiffin, in the county of Seneca;

S. No. 83—An act to amend the act entitled "an act for the appointment of guardians," passed February 6, 1824.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. bill No. 95—To authorize the sale of school section sixteen, in Union township, in the county of Putnam;

H. bill No. 96—To authorize the sale of school section number sixteen, in Union township, in the county of Hancock.

Attest:

GID. M. AYRES, Clerk.

The bills of the House were read the first time.

On motion of Mr. Sill,

The Senate took up the memorial of the College of Professional Teachers.

On motion of Mr. Sill,

The memorial was referred to a select committee of three, and Messrs. Sill, Clark and Ford were appointed that committee.

Agreeably to previous notice, Mr. Thomas introduced the following bill; which was read the first time:

S. No. 111—A bill to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto.

On motion of Mr. Goodin, it was

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be, and is hereby, directed to procure and furnish to the clerk of the court of common pleas of Hancock county one copy of each volume of the Ohio Reports, prior to the year A. D., 1828, for the use of said county.

On motion of Mr. Clark,

The Senate took up Senate bill No. 9, to confirm and establish the seat of justice for Lucas county.

Mr. Clark offered an amendment to the bill.

On motion of Mr. Root,

The bill and pending amendment were laid upon the table.

On motion of Mr. Holmes, it was

Resolved by the Senate and House of Representatives, That both branches of the General Assembly meet in the Hall of the House on Friday, the 4th inst., at 3 o'clock, P. M., for the purpose of electing one Auditor of State; one State Librarian; two Associate Judges for the county of Lucas; one Associate Judge for the county of Henry; two Associate Judges for the county of Morgan; one Associate Judge for the county of Muskingum; and one Associate Judge for the county of Logan.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Perkins in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported back the following bills:

S. No. 97; A bill to authorize the sale of school section number sixteen, in Amboy township, Lucas county, without amendment.

Recommitted to the standing committee on Schools and School Lands.

S. No. 98; A bill to incorporate Engine Company No. 1, of Youngstown, in the county of Trumbull, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 99; A bill to incorporate the First Regular Baptist Church of Twinsburg, in Summit county, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 100; A bill to incorporate the town of Albany in the county of Athens, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 102; A bill to amend an act for the protection of railroads, passed March 20, 1840, without amendment.

Recommitted to the standing committee on Railroads and Turnpikes.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 16, to prevent usury, and regulate the rate of interest.

The question occurring on the following amendment, offered by Mr. Stanton, to the motion of Mr. Leonard to recommit the bill to the standing committee on the Judiciary, with certain instructions:

"And in addition thereto, the amount of tax actually charged to the lender, and entered on the duplicate for taxation, against him; and if the tax shall be charged against the borrower, on any sum not entered on the duplicate for taxation, it shall subject the lender to penalties against usury provided in this act."

On agreeing to Mr. Stanton's amendment,

The yeas and nays were demanded; and, being ordered, were, yeas 17, nays 12, as follows, to wit:

Yeas—Messrs. Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Henderson, Latham, McConnell, Nash, Perkins, Ritchey, Robbins, Sill, Stanton, Thomas and Van Vorhes—17.

Nays—Messrs. Aten, Barnett, Godman, Goodin, Hazeltine, Hostetter, Mitchell, Ream, Spangler, Taylor, Walton and Speaker—12.

So Mr. Stanton's amendment was agreed to.

Mr. Spangler moved a call of the Senate.

Several of the absent Senators having returned,

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

The bill was then recommitted to the standing committee on the Judiciary.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 22, for the punishment of certain crimes and misdemeanors.

Mr. Spangler moved a call of the Senate; which, being ordered, Messrs. Carpenter, Crowell, Dewey, Foos, Harris, Wade, Waddle and Walton were found absent.

On motion of Mr. Hazeltine,

Mr. Harris was excused.

On motion of Mr. Clark,

Mr. Carpenter was excused.

Messrs. Dewey, Walton, Foos and Wade, having appeared,

On motion of Mr. Root,

Further proceedings under the call were dispensed with.

The question occurring on the engrossment of Senate bill No. 22,

Mr. Spangler demanded the yeas and nays.

Mr. Hazeltine offered the following amendment:

Line 2, sec. 2, insert, immediately after the word, "person," these words, "or shall, wilfully or maliciously, poison any well, spring, or pond of water, with intent to do injury to any person or property."

The yeas and nays being demanded on agreeing to Mr. Hazeltine's amendment, they were ordered, and were, yeas 12, nays 21, as follows, to wit:

Yeas—Messrs. Aten, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Spangler, Taylor, Waddle and Speaker—12.

Nays—Messrs. Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Goodin, Henderson, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Walton—21.

•So the amendment was disagreed to.

Mr. Taylor moved that the bill be indefinitely postponed; upon which question,

Mr. Taylor demanded the yeas and nays; which, being ordered, were, yeas 10, nays 23, as follows, to wit:

Yeas—Messrs. Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ream, Spangler, Taylor, Waddle and Walton—10.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Ford, Foos, Godman, Henderson, Holmes, Leonard, McConnell, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Speaker—23.

So the Senate refused to indefinitely postpone.

On motion of Mr. Holmes,

The bill was recommitted to a select committee of three, and Messrs. Holmes, Bartley and Root appointed said committee.

On motion of Mr. McConnell,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

WEDNESDAY, FEBRUARY 2, 1842.

The Senate met pursuant to adjournment.

Mr. Hostetter asked leave to change his vote, given on yesterday, upon agreeing to Mr. Stanton's amendment to the instructions offered by Mr. Leonard to the Judiciary committee, relative to Senate bill No. 16, to prevent usury and regulate the rate of interest. Leave being granted, Mr. Hostetter voted in the affirmative.

Mr. Spangler presented a memorial from G. N. Cumming, praying the passage of a law to compensate him for services rendered the state of Ohio, as counsellor at law, in the case of Henry Wharton vs. the state of Ohio; which was referred to the standing committee on the Judiciary.

Mr. Ford presented a petition from citizens of Chester, in Geauga county, for the incorporation of the First Free Will Baptist Education Society; which was referred to a select committee of one, and Mr. Ford appointed that committee.

Mr. Walton presented the memorial of Newell Kennon, asking an amendment to the law defining the duties of county treasurers; which was referred to the standing committee on the Judiciary.

Mr. Van Vorhes presented petitions from citizens of the counties of Washington, Athens, Jackson, and Ross, praying for a law appointing commissioners to locate a graded state road from the Ohio river, opposite Parkersburg, to Chillicothe; which was referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Van Vorhes presented a letter from Esther Bingham, remonstrating against the application to the legislature by her husband, Ralph Bingham, for a divorce; which was laid upon the table.

Mr. Nash presented a petition from the subscribers to the Pine Grove Academy, in the town of Porter, and county of Gallia, asking for an act of incorporation; which was referred to a select committee of one, and Mr. Nash appointed that committee.

Mr. Hazeltine presented a petition from citizens of the town of

Eaton, in the county of Preble, asking an act of incorporation of the Methodist Episcopal Church, of said town; which was referred to a select committee of one, and Mr. Hazeltine appointed that committee.

Mr. Stanton presented a petition from 86 citizens of Ohio, praying the incorporation of a state Safety Fund Bank, with a central Board of Control.

Mr. Stanton moved that the petition be referred to the standing committee on the Currency, with the following instructions:

"To report a bill to establish a state Safety Fund Bank, to be composed of branches at such points as may be necessary for the public convenience, to be liable for each other's issues, and to be under the superintendence of a disinterested central board of control, with such capital and subject to such restrictions as may be necessary for the safety of the public."

Mr. Hazeltine offered the following amendment to the instructions of Mr. Stanton:

"Provided the bonds of the state can be sold at par for specie, to the amount necessary to raise the stock of said bank."

Mr. Walton called for a division of the question, and it turning on referring to the Currency committee,

The reference was agreed to.

Ma. Taylor then moved to lay the instructions and pending amendment upon the table, on which motion,

Mr. Stanton demanded the yeas and nays, which, being ordered, were, yeas 10, nays 25, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Latham, Mitchell, Ream, Taylor, and Speaker—10.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Hostetter, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Walton—25.

So the Senate refused to lay upon the table.

Mr. Holmes moved that the instructions and pending amendment be indefinitely postponed; on which motion,

Mr. Stanton demanded the yeas and nays, which, being ordered, were, yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—17.

So the instructions and pending amendment were indefinitely postponed.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was recommitted Senate bill No. 102, to amend an act for the protection of railroads, passed March 20, 1840, reported the

same back with sundry amendments, which were agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the standing committee on corporations, to which was recommitted Senate bill No. 98, to incorporate Engine Company No. 1, of Youngstown, in the county of Trumbull, reported the same back with sundry amendments, which were agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 99, to incorporate the First Regular Baptist Church of Twinsburg, in Summit county, reported the same back with one amendment, which was agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 100, to incorporate the town of Albany, in the county of Athens, reported the same back without amendment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Spangler, from the standing committee on Finance, to which was recommitted House bill No. 22, to authorize the commissioners of Delaware county, to correct the duplicate of the revaluation of real property in the said county, under the act of March 13, 1840, reported the same back with amendments, which were agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Ford, from the standing committee on Railroads and Turnpikes, reported the following bill, which was read the first time:

S. No. 113; A bill to repeal the sixth section of the act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said sections affect the township of Monroe, in Logan county.

Mr. Ford, from the standing committee on Finance, to which the subject had been referred, reported the following bill, which was read the first time.

S. No. 114; A bill to amend the act entitled, "an act granting licenses to peddlers."

Mr. McConnell, from the standing committee on Canals, reported the following bill, which was read the first time:

S. No. 115; A bill for the relief of contractors on the Wabash and Erie canal, and on the Miami Extension, and for the completion of the same.

Mr. Ford, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 116; A bill to incorporate the Western Reserve Free Will Baptist Education Society, at Chester, in the county of Geauga.

Mr. Ream, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 117; A bill to incorporate the town of Dover, in the county of Tuscarawas.

Mr. Crowell, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 118; A bill to incorporate the Wardens and Vestry of Christ Church, in Warren, in the county of Trumbull.

Mr. Wade, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 119; A bill to incorporate the Pine Grove Academy, in the town of Porter, and county of Gallia.

The following bills were read the second time, committed to a committee of the whole Senate, and made the orders of the day for this day, to wit:

S. No. 110; A bill to authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river;

S. No. 111; A bill to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto;

S. No. 112; A bill to incorporate the United Brethren in Christ, of Cincinnati;

H. No. 95; A bill to authorize the sale of school section number sixteen, in Union township, in the county of Hancock;

H. No. 96; A bill to authorize the sale of school section sixteen, in Union township, in the county of Logan.

The following bills were read the third time, and passed:

S. No. 90; An act to incorporate the Seneca Railroad Company;

H. No. 91; An act to incorporate the town of South Solon, in the county of Madison;

H. No. 89; An act to change the corporate name of the Wardens and Vestrymen of the parish of All Souls, in the township of Springfield, and county of Clark, incorporated by act of March 14, 1836;

H. No. 101; An act to lay out and establish a graded state road, in the counties of Jefferson and Harrison;

H. No. 102; An act to lay out and establish a state road, in the counties of Erie, Lorain, and Huron;

H. No. 19; An act to lay out and establish a state road, in the counties of Lucas, Ottawa, and Sandusky;

H. No. 97; An act to lay out and establish a state road, in the counties of Hardin, Marion, and Union;

H. No. 90; An act to lay out and establish a graded state road, in the counties of Knox and Coshocton.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 189; A bill to provide for renumbering the lots in the city of Dayton;

H. No. 190; A bill to incorporate the First Regular Baptist Church of Neville;

H. No. 191; A bill for the relief of Robert Dunham, Abram Tee-

ter, and William Roubush, Fund Commissioners of Clermont county;

H. No. 192; A bill for the relief of the Mayor, Recorder, and Trustees of the town of Dresden, in Muskingum county;

H. No. 193; A bill to authorize the county commissioners of Williams county to levy an additional tax for road purposes;

H. No. 194; A bill to incorporate the Covington and Houston Turnpike Company;

H. No. 195; A bill to lay out and establish a state road, in the counties of Wood and Lucas;

H. No. 196; A bill defining the duties of the Directors and Warden of the Ohio Penitentiary, and amendatory to the act regulating prison discipline;

H. No. 197; A bill to incorporate the Anshl Chesnut Congregation, of the city of Cleveland.

The following bills of the House have been read a third time, and passed, in which the concurrence of the Senate is requested:

H. No. 26; An act concerning elections, in the township of Cleveland;

H. No. 94; An act to alter certain school districts in Bucyrus township, in Crawford county;

H. No. 106; An act to amend the act entitled, "an act for the inspection of certain articles," therein enumerated;

H. No. 111; An act to vacate a part of the state road leading from Cincinnati, in Hamilton county, to Bethel, in Clermont county;

H. No. 118; An act to lay out and establish a state road, in the counties of Delaware and Knox;

H. No. 119; An act to incorporate the town of Pleasant Valley, in the county of Madison.

The House has passed the following Senate resolution:

A resolution instructing the Secretary of State.

Attest:

GEO. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time, and passed, in which the concurrence of the Senate is requested:

H. No. 62; An act to amend an act entitled, "an act to incorporate the Hamilton and Roseville Hydraulic Company;"

H. No. 88; An act to authorize the sale of school section number sixteen, in Jackson township, in the county of Hancock;

H. No. 103; An act to incorporate the Wardens and Vestry of Grace Church, in Cincinnati;

H. No. 106; An act to authorize the sale of section number sixteen, in Tymochtee township, in the county of Crawford;

H. No. 109; An act to incorporate the town of Antrim, in the county of Guernsey;

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H. No. 110; An act to lay out and establish a graded state road, in the counties of Monroe and Washington;

House No. 112; An act to incorporate the Monumental Methodist Episcopal Church of the town of Eaton, Preble county;

House No. 113; An act to incorporate the Rector Church Wardens and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum;

H. No. 114; An act to provide for the improvement and repair of a certain county road, in Hamilton county;

H. No. 115; An act to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby;

H. No. 116; An act to authorize the levy of an additional tax in school district number two, in Rome township, in the county of Ash-tabula;

H. No. 120; An act to confirm and legalize the name of Joseph A. Roof;

H. No. 121; An act to lay out and establish a graded state road, in the counties of Harrison and Belmont.

The House has also passed the following resolutions, in which the concurrence of the Senate is requested:

Resolution in relation to John Q. Adams.

Resolution in relation to printing extra copies of the report of the Secretary of State on the condition of Common Schools.

The following bill of the Senate has been read a third time and passed, with amendments, in which the concurrence of the Senate is requested:

S. No. 37; An act to amend the "act to provide for the sale of lands forfeited to the State for nonpayment of taxes," passed March 14, 1831.

The House has also passed the following resolution of the Senate:

Resolution in relation to the Treasurer of State receiving taxes on delinquent lands and town lots for 1841.

Attest:

GRD. M. AYERS, Clerk.

The bills of the House were read the first time.

The resolution relative to the printing of extra copies of the report of the Secretary of State upon the subject of common schools, was referred to the standing committee on Schools and School Lands.

Senate bill No. 37, together with the amendments of the House, was referred to the standing committee on Finance.

Mr. Carpenter moved to amend the House resolutions relative to John Quincy Adams, by striking out all after the words, "State of Ohio," and inserting, instead thereof, the following:

That the right in every subject of any law-making power to petition that power, is an inborn, indefeasible, and unalienable right; that the constitution, in guaranteeing to us the observance of this right, did not confer it as a conventional, but only recognized it, and pledged its inviolability, as a pre-existing right; that one effect of this constitutional guaranty is, that no legislator in these United States can

violate, or tacitly submit to a violation of the right of petition, without adding to a breach of the law of nature, an inseparable breach of his official oath; that the exercise of this right of petition is a principal safeguard of popular liberty, and that any impediment to its free exercise is undemocratic, and anti-American, savoring alike of the cruelty and the cowardice of despotism; that it behooves a free people to maintain, at all hazards, the inviolability of this right; that it should be watched with jealousy; that it is the first to be defended—the last to be yielded;—That the 21st rule of the House of Representatives in Congress, is a flagrant violation of this right; that every argument in its defence is borrowed from the mouths of the worst despots of other countries, and is there used to justify the worst tyrannies with which those countries are cursed; that scarcely in any way could the spirit of despotism have attacked our free institutions more effectively, because the attack could hardly in any way have been made more insidiously; that the enforcement of a rule so tyrannical is cruelty fitted to drive those over, whom it tyrannizes, into dangerous calculations of the value of the union.

That, in the opinion of this body, the petition of citizens of Haverhill, Mass., praying that measures may be devised for the peaceful dissolution of the union, for presenting which, to the House of Representatives in Congress, an effort has been made in that House to censure the Hon. John Q. Adams, was the legitimate and baneful fruit of violating the right of petition by that House; that we regret and censure the impatience of those petitioners which urged them to so hazardous an expedient for the redress of their grievances; that such a petition to our federal Legislature ought to alarm the people, and inspire their representatives in the House of Representatives in Congress with an unflinching resolution to rescind their 21st rule; that whoever signalizes himself in a defence of the right of petition, the watchword of our freedom, deserves the thanks of his country; and that, therefore, the Hon. John Q. Adams, for his fearless, uncompromising, and persevering defence of the right of petition, since the liberties of the people were first attacked, through the violation of that right by said 21st rule, has the approval of this body, and deserves the thanks of the whole country.

Mr. Carpenter moved that the resolution, and pending amendment, be laid upon the table; upon which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 10, nays 25, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Ferd, Foos, Henderson, Perkins, Sih, Stanton and Wade—10.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Godman, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Thomas, Van Vorhes, Waddle, Walton and Speaker—25.

So the Senate refused to lay upon the table.

Mr. Thomas moved that the resolution and pending amendment be indefinitely postponed; and, on his motion, he demanded the yeas and nays, which, being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Carpenter, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the Senate refused to indefinitely postpone.

The question recurring on agreeing to Mr. Carpenter's amendment,

Mr. Holmes called for a division of the question; and it turning on striking out,

Mr. Holmes demanded the yeas and nays; which being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—18.

So the Senate refused to strike out.

Mr. Crowell moved that the Senate adjourn; on which motion,

Mr. McConnell demanded the yeas and nays; which being ordered, were, yeas 9, nays 25, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Godman, Henderson, Leonard, Sill, Thomas, and Waddle—9.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Ford, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, Wade, Walton, and Speaker—25.

So the Senate refused to adjourn.

Mr. Taylor moved the previous question,

Mr. Crowell demanded the yeas and nays, on sustaining the call for the previous question; which being ordered, were, yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—17.

So the call was not sustained.

Mr. Crowell moved that the Senate adjourn; on which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 11, nays 23, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Godman, Henderson, Leonard, Sill, Thomas, Wade, and Waddle—11.

Nays—Messrs. Aten, Bartley, Clark, Ford, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Van Vorhes, Walton, and Speaker—23.

So the Senate refused to adjourn.

Mr. Henderson moved that the Senate take a recess until seven o'clock, P. M.; on which motion,

Mr. Goodin demanded the yeas and nays; which being ordered, were, yeas 15, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Dewey, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Ford, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—20.

So the Senate refused to take a recess.

Mr. Leonard moved that the Senate adjourn; on which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Foos, Godman, Henderson, Leonard, McConnell, Nash, Sill, Thomas, Van Vorhes, and Waddle—16.

Nays—Messrs. Aten, Ford, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Wade, Walton, and Speaker—19.

So the Senate refused to adjourn.

The question of postponement being further debated,

Mr. Holmes moved that the Senate adjourn; upon which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Carpenter, Clark, Crowell, Dewey, Foos, Godman, Goodin, Henderson, Holmes, Leonard, McConnell, Nash, Perkins, Sill, Thomas, Van Vorhes, Wade, and Waddle—18.

Nays—Messrs. Aten, Barnett, Ford, Hazeltine, Hostetter, Latham, Mitchell, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Walton, and Speaker—16.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, FEBRUARY 3, 1842.

The Senate met pursuant to adjournment.

Mr. Foos presented a petition from 87 citizens of Clinton county, praying for the creation of a state bank in Ohio, which was read, and then referred to the standing committee on the Currency.

Mr. Aten presented a remonstrance from citizens of Columbiana county, against any division of said county, for the purpose of forming a new county; which was laid upon the table.

Mr. Spangler, from the standing committee on Finance, to which was referred Senate bill, No 37, to amend the "act to provide for the sale of lands forfeited to the state for the nonpayment of taxes," passed March 14, 1831, together with House amendments thereto, reported the same back, and recommended that the amendments be agreed to.

On motion of Mr. Stanton,

The bill and pending amendments were laid upon the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred House resolution, relative to printing extra copies of the report of the Secretary of State, upon the subject of common schools, reported the same back with with one amendment; which was agreed to, and the resolution, as amended, was then adopted.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill, No. 73, to amend the act amendatory of an act to incorporate the town of Wellsville, in the county of Columbiana, reported the same back, and recommended the bill be read the third time.

The question occurring on ordering the bill to its third reading, the yeas and nays were demanded; which being ordered, were, yeas 25, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Ford, Foos, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Waddle and Walton—25.

Nays—Messrs. Carpenter, Crowell, Godman, Henderson, Nash, Perkins, Thomas, Van Vorhes, Wade and Speaker—10.

So the bill was ordered to its third reading on to-morrow.

Mr. Nash, from the standing committee on Schools and School Lands, reported the following bill; which was read the first time.

So. No. 121; A bill to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest, and southwest, and southeast quarter of school section sixteen, in the township aforesaid, in the county of Perry.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of G. Nelson Cumming, praying the passage of an act allowing him a suitable compensation for his ser-

VICES and expenses, as attorney for the state, in the case of Wharton vs. the state of Ohio, reported the same back with a resolution, in relation thereto:

On motion,

The resolution was referred to the standing committee on Claims.

Mr. Hazeltine, from the select committee, introduced the following bill; which was read the first time.

S. No. 120; A bill to authorize the sale of the old meeting house, belonging to the Methodist Episcopal Church, in the town of Eaton, Preble county, Ohio.

The following bills were read the second time, committed to committee of the whole Senate, and made the orders of the day for this day, to wit:

S. No. 113; A bill to repeal the sixth section of the act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said sections affect the township of Monroe, in Logan county;

S. No. 114; A bill to amend the act entitled, "an act granting licenses to peddlers;

S. No. 115; A bill for the relief of contractors on the Wabash and Erie Canal, and the Miami Extension, and for the completion of the same;

S. No. 116; A bill to incorporate the Western Reserve Freewill Baptist Education Society;

S. No. 118; A bill to incorporate the Wardens and Vestry of Christ Church in Warren, in the county of Trumbull;

S. No. 117; A bill to incorporate the town of Dover, in the county of Tuscarawas;

S. No. 119; A bill to incorporate the Pine Grove Academy, in the town of Porter, and county of Gallia;

H. No. 119; A bill to incorporate the town of Pleasant Valley, in the county of Madison;

H. No. 26; A bill concerning elections, in the township of Cleveland;

H. No. 111; A bill to vacate a part of the state road leading from Cincinnati, in Hamilton county, to Bethel, in Clermont county;

H. No. 94; A bill to alter certain school districts in Bucyrus township, in Crawford county;

H. No. 105; A bill to amend an act entitled, "an act for the inspection of certain articles therein enumerated;

H. No. 118; A bill to lay out and establish a State road in the counties of Delaware and Knox;

H. No. 88; A bill to authorize the sale of school section number sixteen, in Jackson township, in the county of Hancock;

H. No. 62; A bill to amend an act entitled "an act to incorporate the Hamilton and Rossville Hydraulic Company;

H. No. 121; A bill to lay out and establish a graded State road in the counties of Harrison and Belmont;

H. No. 120; A bill to confirm and legalize the name of Joseph A Roof;

H. No. 115; A bill to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby;

H. No. 116; A bill to authorize the levy of an additional tax in school district number two, in Rome township, in the county of Ashtabula;

H. No. 114; A bill to provide for the improvement and repair of a certain county road in Hamilton county;

H. No. 113; A bill to incorporate the Rector, Church Wardens and Vestrymen, of Zion Church, in the town of Dresden, in the county of Muskingum;

H. No. 112; A bill to incorporate the Monumental Methodist Episcopal Church of the town of Eaton, Preble county;

H. No. 110; A bill to lay out and establish a graded State road in the counties of Monroe and Washington;

H. No. 109; A bill to incorporate the town of Antrim in the county of Guernsey;

H. No. 106; A bill to authorize the sale of section sixteen, in Tymochtee township, in the county of Crawford;

H. No. 103; A bill to incorporate the Wardens and Vestry of Grace Church in Cincinnati.

The following bills were read the third time and passed:

S. No. 98; An act to incorporate Engine Company, No. 1, of Youngstown, in the county of Trumbull;

S. No. 99; An act to incorporate the First Regular Baptist Church, of Twinsburg, in Summit county;

S. No. 100; An act to incorporate the town of Albany, in the county of Athens;

S. No. 102; An act to amend the "act for the protection of Railroads," passed March 20, 1840;

H. No. 82; An act to authorize the Commissioners of Delaware county to correct the duplicate of the revaluation of real property in the said county, under the act of March 13, 1840.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been presented to the House and read the first time, to wit:

H. No. 198; A bill to incorporate the Hook and Ladder Fire Company, of Leesburg, in the county of Carroll;

H. No. 199; A bill to incorporate the First Congregational Society of Genoa, Harpersfield and Saybrook, in the county of Ashtabula;

H. No. 200; A bill to incorporate the town of Lima, in the county of Allen;

H. No. 201; A bill to change the name of Martinsburg, in Holmes county;

• H. No. 202; A bill to incorporate the town of Benton, in the county of Holmes;

H. No. 203; A bill to incorporate the town of Galion, in the county of Richland.

Attest:

GID. M. AYRES, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time and passed, in which the concurrence of the Senate is requested:

H. No. 65; An act to lay out and establish a State road in the counties of Holmes, Knox and Marion;

H. No. 66; An act to incorporate the Union Library Association, of Richmond, in the county of Ashtabula;

H. No. 80; An act for the relief of Robert Willet;

H. No. 83; An act to incorporate the Grand Lodge of Ohio;

H. No. 100; An act to incorporate the Hook and Ladder Company, of Hudson, in the county of Summit.

The House has passed Senate bill No. 42, fixing the times of holding the courts of common pleas, with sundry amendments, to which the concurrence of the Senate is requested.

Attest:

GID. M. AYRES, *Clerk*.

The bills of the House were read the first time.

Senate bill No. 42, and the House amendments thereto, were referred to the standing committee on the Judiciary.

On motion of Mr. Dewey,

The Senate resolved itself into committee of the whole, Mr. Ritchey in the chair, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bills, to wit:

S. No. 95; A bill to incorporate the First Free Will Baptist Society, in the township of Liberty, in the county of Licking, without amendment.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 96; A bill to change the name of the town of Petersburg, in the county of Richland, without amendment.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 101; A bill to incorporate the Troy and Stillwater Turnpike Company, without amendment.

Recommitted to the standing committee on Railroads and Turnpikes.

S. No. 103; A bill to incorporate the Kaal a Kadesh Beni Jeshurun (Holy Congregation of Children of Jeshurun) of the city of Cincinnati.

Recommitted to a select committee of one, and Mr. Holmes was appointed that committee.

S. No. 104; A bill to authorize the sale of the real and personal property of the Urbana Academy, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 105; A bill to authorize the Auditor of the county of Athens to transcribe certain records, and to make the same proper evidence, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 106; A bill to amend the act entitled "an act to incorporate the First Protestant Methodist Society, in the township of Brooklyn, in the county of Cuyahoga," passed March 17, 1840, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 108; A bill to divorce Ralph Bingham from his wife Esther Bingham, without amendment.

Laid upon the table.

S. No. 107; A bill to amend the act entitled "an act to incorporate the Methodist Protestant Academy, in the village of Brighton, in the county of Cuyahoga," passed March 17, 1840, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 109; A bill to quiet land titles, in the Virginia military district, north west of the Ohio river, without amendment.

Recommitted to a select committee of three, and Messrs. Stanton, Robbins and Foos, were appointed said committee.

S. No. 110—A bill to authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river, with one amendment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Goodin offered for adoption a resolution calling upon the Board of Public Works for certain information; which was, on motion,

Referred to the standing committee on Canals.

On motion of Mr. Taylor, it was

Resolved, That the Board of Public Works be instructed to communicate to the Senate, at as early a day as practicable, all the information in their possession relative to the claim of Thomas White for work done on sections 22 and 23 of the Ohio Canal, south of the Portage Summit; the value of the work done by said White; the amount of his estimate; the amount paid him, &c.

Mr. Holmes gave notice that he would, on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill further to amend the act entitled "an act regulating judgments and executions."

Mr. Taylor moved that the Senate take up the House resolutions in relation to John Quincy Adams; on which motion,

Mr. Stanton demanded the yeas and nays; which being ordered, were—yeas 19, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the resolutions were taken up.

Mr. Taylor moved the previous question upon the adoption of the resolutions,

The yeas and nays being demanded on sustaining the call for the previous question, they were ordered, and were—yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the call was not sustained.

Mr. Stanton moved a call of the Senate, and Messrs. Godman and Harris were found absent.

On motion of Mr. Hazeltine,

Mr. Harris was excused.

Mr. Crowell moved that the Senate adjourn until three o'clock, P. M.; upon which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 8, nays 26, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Foos, Henderson, Nash, Stanton and Waddle—8.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Ford, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Walton and Speaker—26.

So the Senate refused to adjourn.

Mr. Bartley moved to dispense with further proceedings under the call of the Senate; and, on his motion, demanded the yeas and nays; which being ordered, were—yeas 20, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Van Vorhes, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Henderson, Perkins, Root, Sill, Thomas, Wade and Waddle—14.

So further proceedings under the call were dispensed with.

The question recurring on postponing the resolutions and pending amendments, until the first Monday in December next, the yeas and nays being demanded, they were ordered, and were—yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Thus the Senate refused to postpone.

Mr. Spangler moved a call of the Senate, and Messrs. Crowell, Godman, Harris, Root, Sill and Wade were found absent.

On motion of Mr. Hazeltine,

Mr. Harris was excused.

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

The question occurring on agreeing to Mr. Carpenter's motion to lay the House resolution and pending amendment upon the table,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 17, nays 18, as follows, to wit.

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the Senate refused to lay upon the table.

The question then occurred on agreeing to the following, offered as an additional resolution, by Mr. Root:

Resolved, That nothing in the foregoing resolutions contained shall be so construed as to impute to this General Assembly a disposition to intermeddle with any body's business but its own.

On this motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 16, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—20.

So Mr. Root's resolution was disagreed to.

Mr. Carpenter offered for adoption the following amendment, to be inserted as an additional resolution:

That, in every subject of any law-making power, the right to petition that power is an inborn and indefeasible right; that the constitution, in guaranteeing to us the free exercise of this right, did not confer it as a conventional, but only recognized it by pledging its inviolability, as a pre-existing right; that one effect of this constitutional guaranty is, that no legislator, in these United States, can violate, or tacitly submit to a violation of the right of petition, without adding to a breach of the law of nature, an inseparable breach of his official oath; that the exercise of this right of petition is a

principal safeguard of popular liberty; and that any impediment to its free exercise, is undemocratic and anti-American, savoring alike of the cruelty and cowardice of despotism; that it behooves a free people to maintain, at all hazards, the inviolability of this right; that it should be watched with jealousy; that it is the first to be defended, the last to be yielded.

On the adoption of Mr. Carpenter's amendment,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 17, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—19.

So the amendment was rejected.

Mr. Van Vorhes offered for adoption the following amendment, to be inserted as an additional preamble and resolution to the House preamble and resolution, to wit:

And, whereas, it has been stated in the official bulletin, that the party, in the United States, known as the whig party, with the Hon. John Quincy Adams, member of Congress, from the State of Massachusetts, and Ex-President of the United States, have in contemplation the speedy dissolution of this Union; and, whereas, it has been represented to this Legislature from sources entitled to the highest consideration, that her majesty, the Queen of the United Kingdoms of Great Britain, Ireland, and the Indies, has one hundred millions of slaves, at command, to aid the said John Quincy Adams, and his party, in their contemplated dissolution of this Union, presenting an alarming crisis, demanding immediate, energetic, and vigorous measures to meet the impending danger; therefore,

Resolved, That the Executive of this State be authorized and required, forthwith to organize, arm, and equip for actual service, and to hold ready to march, at a moments warning, the entire military force of the State, for the purpose of repelling any invasion of the United States, by the combined forces of the United Kingdoms of Great Britain, Ireland, Indies, and the whig forces in the United States, under the Hon. John Quincy Adams.

On agreeing to Mr. Van Vorhes' amendment,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 15, nays 21, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—21.

So the Senate rejected the amendment of Mr. Van Vorhes.

Mr. Stanton offered for adoption the following, as an amendment to the preamble of the House, to wit:

And, whereas, the said John Q. Adams accompanied the presentation of said petition, with a motion to refer it to a select committee, with instructions to report against the prayer of said petition.

On Mr. Stanton's amendment,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So Mr. Stanton's amendment was disagreed to.

Mr. Root moved that the Senate take a recess until seven o'clock, P. M.; on which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

So the Senate refused to take a recess.

Mr. Hazeltine moved a call of the Senate,

All the members having made their appearance,

Further proceedings, under the call, were dispensed with.

The question occurring on agreeing to the resolutions of the House; which read as follows, to wit:

Resolved by the General Assembly of the State of Ohio, That John Quincy Adams, of Massachusetts, in aiding to give publicity, and importance to the treasonable proposition, has subjected himself to the merited censure and reprehension of his countrymen.

Resolved, That, in the opinion of this General Assembly, the House of Representatives, of the United States, owe it to themselves, to the American people, whose Representatives and Legislative organ they are, to stamp the course and conduct of the member from Massachusetts with the severest marks of its indignant disapprobation and censure.

The yeas and nays being demanded on the passage of the resolutions; they were ordered, and were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the resolutions were agreed to.

The question recurring on agreeing to the preamble to the foregoing resolutions; which reads as follows, to wit:

Whereas, the father of his country, in his farewell address to his countrymen, has wisely admonished them, that it is of infinite moment, that they should properly estimate the immense value of their National Union, to their collective and individual happiness; that they shall cherish a cordial, habitual, and immoveable attachment to it; accustoming themselves to think and speak of it, as of the palladium of their political liberty and prosperity; watching for its preservation with jealous anxiety, discountenancing, whatever may suggest, even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which link together their various parts;

And, whereas, the people, as one man, believe that time and experience have but confirmed the wisdom of his forecast and the abiding truth of these sentiments;

And, whereas, it has been communicated to this General Assembly, that John Quincy Adams, late Chief Magistrate of this Union, and now a Representative in Congress, from the State of Massachusetts, has presented to the House of Representatives of the United States, a petition from American citizens, praying that Congress may dissolve this Confederacy: therefore be it,

On agreeing to the preamble,

Mr. Holmes demanded the yeas and nays; which being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the preamble was agreed to.

On motion of Mr. Holmes,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*,

FRIDAY, FEBRUARY 4, 1842.

The Senate met pursuant to adjournment.

Mr. Thomas presented a petition from 46 citizens of Miami county, praying an early adjournment of the legislature.

Mr. Bartley moved that the petition be laid upon the table, and the printing dispensed with; upon which motion,

Mr. Thomas demanded the yeas and nays; which, being ordered, were, yeas 18, nays 14, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Goodin, Harris, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Aten, Crowell, Dewey, Ford, Foos, Godman, Henderson, Perkins, Root, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

So the petition was laid upon the table.

Mr. Ford presented a petition from citizens of Geauga county, in relation to criminal proceedings before justices of the peace; which was referred to a select committee of one, and Mr. Ford appointed that committee.

Mr. Root presented a petition from Eliphalet Brooks, asking for relief; which was referred to the standing committee on the Judiciary.

Mr. Hostetter presented a remonstrance from citizens of Stark county, remonstrating against the construction of a reservoir, by the state, near Massillon, in said county; which was referred to a select committee of one, and Mr. Hostetter appointed that committee.

Mr. Ritchey presented a petition from citizens of Pike township, Perry county, asking a reappraisment of the southwest quarter of section sixteen, in said township; which was referred to the standing committee on Schools and School Lands.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 16, to prevent usury, and regulate the rate of interest, reported the same back with sundry amendments.

Mr. Foos moved that the bill and pending amendments be indefinitely postponed; and on his motion demanded the yeas and nays; which, being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Ford, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes, Nash, Perkins, Ream, Robbins, Root, Sill, Spangler and Waddle—19.

Nays—Messrs. Bartley, Crowell, Dewey, Harris, Hostetter, Latham, Leonard, Mitchell, McConnell, Ritchey, Stanton, Taylor, Thomas, Van Vorhes, Wade, Walton and Speaker—17.

So the bill and pending amendments were indefinitely postponed.

Mr. Holmes, from the standing committee on Corporations, to which

was recommitted Senate bill No. 106, to amend the act entitled, "an act to incorporate the First Protestant Methodist Society in the township of Brooklyn, in the county of Cuyahoga," passed March 17, 1840; reported the same back with one amendment; which was agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 107, to amend the act entitled, "an act to incorporate the Protestant Methodist Academy in the village of Brighton, in the county of Cuyahoga," passed March 17, 1840; reported the same back without amendment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred petitions and remonstrances in relation to an alteration in the state road leading from Gallipolis to Chillicothe, reported the same back, and asked leave to be discharged from the further consideration of the subject, and that the petitioners and remonstrators have leave to withdraw their petitions and remonstrances, which was agreed to.

Mr. Godman, from the standing committee on Canals, to which was recommitted Senate bill No. 59, to amend the act entitled, "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839, reported the same back with sundry amendments.

The bill and amendments were laid upon the table, and the amendments ordered to be printed.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred so much of the unfinished business of last session as relates to a bill to authorize Stephen M. Bingham to surrender a permanent lease in a certain case, reported the following bill, which was read the first time:

S. No. 122; A bill to authorize the surrender of the residue of section sixteen, in township seven, in range five, in Belmont county.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill No. 38, to authorize the sale of certain school lands in Washington township, Marion county, reported the same back without amendment.

Mr. Godman moved a call of the Senate; which, being ordered, Messrs. Leonard and Taylor were found absent.

The absent members having appeared,

On motion of Mr. Bartley,

The further proceedings under the call were dispensed with.

The question recurring on ordering the bill to be engrossed for its third reading,

The yeas and nays were demanded; which, being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Dewey, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Leonard, Ream, Ritchey, Robbins, Sill, Taylor, Van Vorhes and Speaker—19,

20—S. J..

Nays—Messrs. Barnett, Crowell, Ford, Poo, Holmes, Latham, Mitchell, McConnell, Nash, Perkins, Root, Spangler, Stanton, Thomas, Wade, Waddle and Walton—17.

Mr. Barley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 64, fixing the times of holding the courts of common pleas, together with the House amendments thereto, reported the same back, and recommended that the amendments be agreed to.

The Senate agreed to all the amendments of the House, except the 8th and 11th, which were disagreed to.

Mr. Holmes, agreeably to previous notice, introduced the following bill, which was read the first time.

S. No. 123; A bill further to amend the act entitled, "an act regulating judgments and executions."

Mr. Holmes, from the select committee to which was recommitted Senate bill No. 103, to incorporate the Kaat'a Kadesh Beni Jeshurun, (Holy Congregation of children of Jeshurun,) of the city of Cincinnati, reported the same back with amendments, which were agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

The following bills have been read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 120; A bill to authorize the sale of the old meeting-house belonging to the Methodist Episcopal Church in the town of Eaton, in Preble county;

S. No. 121; A bill to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest and southwest and southeast quarters of school section sixteen, in the township aforesaid, in the county of Perry;

H. No. 65; A bill to lay out and establish a state road in the counties of Holmes, Knox and Marion;

H. No. 66; A bill to incorporate the Union Library Association of Richmond, in the county of Ashtabula;

H. No. 80; A bill for the relief of Robert Willet;

H. No. 85; A bill to incorporate the Grand Lodge of Ohio;

H. No. 100; A bill to incorporate the Hook and Ladder Company of Hudson, in the county of Summit.

The following bills have been read the third time and passed, to wit

S. No. 95; An act to incorporate the First Free Will Baptist Society in the township of Liberty in the county of Licking;

S. No. 96; An act to change the name of the town of Petersburg, in the county of Richland;

S. No. 100; An act to authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river.

H. No. 73; An act to amend the act amendatory of an act to incorporate the town of Wellsville, in the county of Columbiana, passed February 18, 1834.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following bills, to which the signature of the Speaker of the Senate is requested:

House bill No. 60; To incorporate the First Presbyterian Church of Berlin township, in Delaware county.

House bill No. 53; To amend the act of incorporation of the town of Felicity, in Clermont county.

Senate bill No. 43; To amend the act entitled, "an act to incorporate the Baptist Church of Dover, in Tuscarawas county," passed February 18, 1841.

Senate bill No. 41; To change the name of the town of Waynesburg, in the county of Wayne.

Senate bill No. 26; To incorporate the Philomathean Literary Society of the Monroe Academy.

Senate bill No. 33; To repeal a part of the act entitled, "an act for the relief of Stephen D. Cutler and others, passed March 25, 1841.

The Speaker of the House of Representatives has signed the following resolution, to which the signature of the Speaker of the Senate is requested:

A resolution appointing Daniel J. Swinney of Richland county, Register of the Virginia military district school lands.

Attest:

GID. M. AYRES, *Clerk*.

The enrolled bills and resolution were signed by the Speaker of the Senate.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the Senate amendments to House bills Nos. 19, 82, 90, 97, 101, and 102.

The House has agreed to Senate amendment to resolution in relation to printing extra copies of the report of the Secretary of State upon the condition of the Common Schools.

Attest:

GID. M. AYRES, *Clerk*.

Mr. Gedman gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to revive the act to incorporate the Columbus, Delaware, Marion, and Upper Sandusky Railroad Company, passed February 29, 1836.

Mr. Thomas gave notice that on to-morrow, he would ask leave to introduce a bill to amend the act entitled, "an act to organize the judicial courts," passed February 7, 1831.

Mr. Nash gave notice that on some subsequent day of this session, he would ask leave to introduce a bill to incorporate the Providence

Baptist Church, in the township of Clay, and the county of Gallia.

On motion of Mr. Clark,

The Senate took up Senate bill No. 9, to confirm and establish the seat of justice for Lucas county.

The question occurring on agreeing to the following amendment offered by Mr. Clark, to come in as section one,

That the seat of justice for the county of Lucas, be and the same is hereby declared to be at Toledo, in said county of Lucas, until the further action of the supreme court in bank in their final decision.

The yeas and nays being demanded on agreeing to Mr. Clark's amendment, they were ordered, and were yeas 15, nays 20, as follows, to wit:

Yeas—Messrs. Carpenter, Clark, Dewey, Foos, Godman, Leonard, Nash, Perkins, Ream, Root, Stanton, Thomas, Van Vorhes, Wade, and Speaker—15.

Nays—Messrs. Aten, Barnett, Bartley, Ford, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ritchey, Robbins, Sill, Spangler, Taylor, Waddles, and Walton—20.

So the amendment was disagreed to.

Mr. Clark then offered the following as an amendment to the bill:

That it shall be the duty of the trustees in the several townships in the county of Lucas, at the time and place for holding the annual election for state and county officers in said county, in the year eighteen hundred and forty two, to provide a separate ballot box upon which shall be inscribed the words "county seat," in which shall be deposited by the electors of said county, a separate ballot on which shall be written or printed the name of "Maumee city," or that of "Toledo;" and all votes otherwise designated shall be deemed void.

Sec. 2. The inspectors of the elections in the several townships, and the board of county canvassers shall be governed in all respects by the laws now in force regulating the election of state and county officers. The board of county canvassers shall make return of said canvass to the next annual meeting of the board of county commissioners for said county, after said election, giving a true and correct abstract of the votes so taken at said election.

Sec. 3. It shall be the duty of the county commissioners, immediately after the receipt of said certificate of votes, to select, at that place having the greatest number of the votes so taken, a site for the court house and other public buildings for said county, which shall thereafter be deemed and held to be the seat of justice for said county; provided, that nothing in this act, nor any previous act of the General Assembly contained, shall authorize the levying upon the citizens of said county any tax for the erection of the court house or other public buildings therein.

Sec. 4. The seat of justice for said county of Lucas shall be deemed to be at Toledo, until the final location as herein provided for.

Mr. Clark called for a division of the question, and it turning on the first three sections,

The yeas and nays were demanded, and were, yeas 15, nays 21, as follows, to wit:

Yeas—Messrs. Clark, Ford, Foos, Godman, Harris, Hazeltine, Latham, Leonard, Perkins, Ream, Robbins, Root, Thomas, Van Vorhes, and Wade—15.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Crowell, Dewey, Goodin, Henderson, Holmes, Hostetter, Mitchell, McConnell, Nash, Ritchey, Sill, Spangler, Stanton, Taylor, Waddle, Walton, and Speaker—21.

So the amendments were disagreed to.

The question recuring on agreeing to the second division of the question,

Mr. Bartley moved the following as an amendment:

Strike out all after the word "the," being the first line; and insert the following:

That the acts of the commissioners appointed by joint resolution of the General Assembly of the 23d of March, 1840, to review and re-locate the seat of justice of Lucas county, shall be held to be and they are hereby declared to be as valid to all intents and purposes as if said commissioners had been duly appointed by act of the General Assembly,

On agreeing to Mr. Bartley's amendment, the yeas and nays were demanded, and, being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, McConnell, Ritchey, Spangler, Taylor, Waddle, and Walton—17.

Nays—Messrs. Carpenter, Clark, Dewey, Ford, Foos, Godman, Latham, Leonard, Nash, Perkins, Ream, Robbins, Root, Stanton, Thomas, Van Vorhes, Wade, and Speaker—18.

So the amendment was rejected.

Mr. Root moved that the bill and pending amendments be recommended to the standing committee on New Counties, with instructions to report a bill appointing a commissioner to fix the county seat permanently, and fixing the county seat at Toledo temporarily.

Mr. Hazeltine called for a division of the question, and it turning on recommending, the yeas and nays were demanded, and were, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Carpenter, Dewey, Ford, Foos, Godman, Goodin, Harris, Latham, Nash, Perkins, Ream, Robbins, Root, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Speaker—19.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Hazeltine, Henderson, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ritchey, Spangler, Taylor, and Walton—16.

So the Senate agreed to recommit.

On motion of Mr. Leonard,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, Clerk.

SATURDAY, FEBRUARY 5, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented the following petitions from citizens of Perry township, in the county of Columbiana; which were referred to a select committee of three, and Messrs. Aten, Ford, and Holmes appointed that committee.

From 220 males and 207 females, praying for a law to authorize the town council of the town of Salem, in the county of Columbiana, to grant licenses.

From 110 citizens from the same, praying for the same.

From 15 female citizens from the same place, praying for the same.

From 101 citizens from the same place, asking the same.

From 67 females from the same place, asking the same.

From 38 citizens from the same place, asking the same.

From 37 citizens from the same place, asking the same.

Mr. Carpenter presented a petition from 90 citizens of Mount Pleasant, in Jefferson county, Ohio, asking that the law granting licenses for retailing spirituous liquors be immediately repealed; which was laid on the table.

Mr. Robbins presented a petition from 109 citizens of Adams county, praying for the passage of a law to authorize the election of directors of poor houses; which was referred to a select committee of one, and Mr. Robbins appointed that committee.

Mr. Robbins also presented a petition from citizens of the same place, asking for the same; which was referred to a select committee of one, and Mr. Robbins appointed that committee.

Mr. Sill presented a petition from 63 citizens of Middlebury, Summit county, praying for a law submitting the location of the seat of justice of said county to a vote of the legal voters of said county; which was laid on the table.

Mr. Mitchell presented a petition from 70 citizens of Jefferson county, asking for a re-charter of the Farmers' and Mechanics' Bank of Steubenville; which was

Referred to the standing committee on the Currency.

Mr. Crowell presented a petition from Doctor Allen and other physicians, of Trumbull county, praying for aid from the state to sustain the Willoughby Medical College of Lake county; which was

Referred to the standing committee on Medical Colleges.

Mr. Holmes presented a remonstrance signed by 136 persons purporting to be residents of Symmes township, in the county of Hamilton, against the erection of a new township to be taken from said Symmes and Columbia townships; which was

Laid on the table.

Mr. Holmes presented a memorial from George W. Phillips, of Cincinnati, praying the passage of a law remunerating him for damages sustained by the Miami canal; which was

Referred to the standing committee on Canals.

Mr. Spangler presented a petition from citizens of Licking county, asking for the chartering of a Bank to be established at Hebron; which was

Referred to the standing committee on the Currency.

Mr. Spangler presented the account of A. Hardy for materials and services in repairing the State House; which was

Referred to the standing committee on Claims.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted House bill No. 37, to amend an act entitled "an act for opening and regulating roads and highways," passed March 14, 1831, reported the same back, and recommended its indefinite postponement.

On agreeing to the recommendation of the committee on Roads and Highways,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 20, nays 15, as follows, to wit:

Yeas—Messrs. Bartley, Carpenter, Clark, Crowell, Ford, Harris, Henderson, Latham, Leonard, McConnell, Nash, Ream, Root, Sill, Taylor, Thomas, Van Vorhes, Wade, Waddle and Walton—20.

Nays—Messrs. Aten, Barnett, Dewey, Foss, Godman, Goodin, Hazekine, Hostetter, Mitchell, Perkins, Richey, Robbins, Spangler, Stanton and Speaker—15.

So the bill was indefinitely postponed.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petitions of sundry citizens of the county of Seneca, relative to the issue of an illegal and fraudulent currency, by the Mad River and Lake Erie Railroad Company, made the following report, accompanied by the annexed bill, which was read the first time:

The standing committee on the Judiciary, to whom was committed the petitions of sundry citizens of the county of Seneca, relative to the issue of an illegal and fraudulent currency by the Mad River and Lake Erie Railroad Company, have had the same under consideration, and now report:

It appears that this railroad company has issued, within the last year, an extensive circulation of checks or orders, bearing the similitude of bank paper, varying in the denominations thereof, from five dollars to twenty five cents, payable at Urbana; and a part made payable twelve months after date, upon some pretended estimates. These checks or orders are signed by a certain person as Secretary, and a certain other person as Engineer, both individuals but little known to the public, and supposed to be of limited responsibility, and in the employment of said company; and the checks or orders purport to be drawn upon the treasurer of said company—but who such treasurer is, and whether he has a "local habitation or a name," is said to be

unknown to the community at large. This currency is struck and prepared by the president and directors of said company, and put into circulation, as it is alleged, under their authority. There is not the remotest probability that this illegal circulation will ever be redeemed by said company, in the constitutional currency of the country. The Bank of Urbana, with which said railroad company deposits its funds, as it is said, and while in a state of suspension itself, receives this illegal currency for some purposes, while it refuses it for others.

This illegal and depreciated issue of paper, it is said, has become almost the only currency in those places where it has gained a circulation, upon the well known principle, that the worse and cheaper currency will invariably expell and drive from circulation the better currency. The consequences are, necessarily, difficulty, embarrassment, and distress in business operations, and general and extensive loss, by the worthlessness and depreciation of the currency. And the sequel of this operation to be anticipated is, that when this illicit circulation reaches its lowest point of depreciation, the company, through its agents and debtors, will take it up for a small amount, leaving the community at large to sustain a loss almost equivalent to the entire amount of the circulation. Thus the honest earnings of industry and economy will be plundered by a cunningly devised system of finesse and fraud, cloaked under the specious garb of benefitting the community by the public enterprise of this extensive company.

There is no provision in the act incorporating said company, or any amendment thereto, which furnishes the slightest pretext for the authority of said company to issue this circulation. The issue is, therefore, an open and wilful abuse and prostitution of the company's corporate rights and immunities, as well as a flagrant and criminal violation of the existing laws of the state.— And the company cannot screen itself by the shallow subterfuge resorted to; in putting it afloat through the agency of engineers and other persons in its employ, in the form of checks on the treasurer. It has, by this unlawful and fraudulent conduct, shown itself to be unworthy of the confidence of community; unworthy of the high privileges and immunities conferred on it, and unfit to be engaged in that noble enterprise for which the act of incorporation was granted. The majority of the committee, therefore, would have been disposed to have introduced a bill to repeal the charter of this company, had they not been saved the necessity of so doing, by the provision of the second section of the act, passed March 18, 1839, entitled "an act further to amend the act entitled an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816," which pro-

vides, that whenever any incorporated company not authorized by law to transact the business of banking, shall be guilty of the act which has been done by this company, "the charter of such company shall from thenceforth be null and void for every purpose for which it was granted, except so far as may be necessary to enable such company to close their business and settle their accounts." If this law is not effective to render the charter of said company a nullity, it cannot be denied, but that the forfeiture of the charter is and will be, at any time hereafter, liable to be decreed, whenever the necessary proceedings may be instituted in court.

The charter of no incorporated company exempts the stockholders thereof from liability in their individual capacity, as joint debtors for the payment of debts contracted, not authorized by some express power contained in their act of incorporation.—The stockholders, therefore, of this railroad company, would be liable individually, as joint debtors, for the redemption of this unauthorized circulation, without any statutory provision on the subject. But it is ascertained, upon examination, that the first section of the act above mentioned, passed March 18, 1839, brings this railroad company within the provisions of the 11th, 12th, 13th, and 14th sections of the act entitled, "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816, whereby the stockholders are made liable in their individual capacity, *jointly* and *severally*, for the whole amount of this unauthorized paper; and proceedings are authorized to be commenced by the holder of any of these checks or orders, against any part or the whole of the stockholders of said company in their individual capacity.

These facts had, probably, not fallen under the observation of the petitioners, or this company, before this time, would probably, have been checked in its career of vice.

The committee are not apprized of the existence of any excuse or palliation which can be offered to extenuate the unwarrantable and highly improper conduct on the part of this company. Its criminality consists not alone in a violation of the laws of the land, and an abuse of those exclusive rights and high immunities with which this company has been favored by the state; but also in debasing the currency, degrading the morals and habits of integrity of business men, and, in effect, defrauding the community at large. It is a matter of astonishment and to be deeply lamented, that men who have acquired stations of respectability and extensive influence among their fellow men, should so far forget their moral obligations and duty, as thus openly to trample upon the laws of the state, abuse high privileges with which they have been clothed, and depredate upon the

morals, the prosperity, and interests of society. And it is a matter of still greater astonishment, that such conduct should be looked upon with so much lenity and apathy as seems to prevail on this subject. The secret band of felons who prepare their counterfeit paper and coin, and put the same into circulation, by which business operations may be performed before its spurious quality is detected, do an act for which they are incarcerated in the Penitentiary, and stamped with infamy and disgrace through life; and yet they do an act of little deeper moral turpitude, and but little, if any, more disastrous in its consequences to the interests of society, than that done by the managers of this company.

How much difference is there in the consequences upon the interests of community, between the issue of an unlawful and irredeemable paper circulation, which soon depreciates until it becomes utterly worthless, and the issue of a forged and counterfeit circulation, which becomes worthless as a currency as soon as its spurious quality is detected? One is done openly, it is true, under the semblance of honesty, while the other is done secretly; but each is a fraud upon community. The moral perceptions of a part of community seem to have become blunted in reference to matters of this kind. The managers of this company—men of reputed standing and respectability—have certainly not duly reflected upon the nature and consequences of these unlawful acts. It cannot be alleged as a palliation, that the company is engaged in a magnificent and laudible enterprise. The principle, that the end will justify the means, however base and fraudulent, has long since been exploded. Persons must not be permitted to do evil that good may follow. The scarcity of money and the depreciated character of the currency of this state, cannot mitigate, but rather aggravate the offence of this company. It has availed itself of the opportunity afforded by the present unfortunate situation of community in regard to the currency, to put afloat this circulation; and, by so doing, has increased and prolonged the duration of those evils under which the people have been, and now are, severely suffering.

The issue of an unlawful and fraudulent currency, however, has not been confined to the Mad River and Lake Erie Railroad Company. The Ohio and Lake Erie Railroad Company, and numerous other companies, as well as many municipal corporations have been guilty of similar offences.

It has become so common for incorporated companies to trample upon the laws, and violate the principles of common honesty, that such occurrences have almost ceased to attract public observation. Men who are exemplary and unexceptionable in their private conduct and dealings collectively, when associated in in-

corporated companies, do things which each individual would shudder at the idea of doing in his private capacity. And the private citizen, when he sees his rights trampled upon by an incorporated company, is very frequently deterred from seeking redress for the wrong done him on account of the overshadowing power and influence which he would have to encounter by so doing.

It is time that the moral sense of the people of this state should be awakened from its slumbers upon this subject, and that the progress and usurpation of incorporated power should be guarded against, and watched with the utmost jealousy and vigilance. It is a historical fact, not unworthy of remark, that some of the most stupendous, wide spread, and desolating frauds which have been perpetrated in modern times, have been committed by companies incorporated in England under the specious pretext of encouraging agriculture, commerce, and manufactures; of relieving the distresses of the people; of paying the debts of the nation; of extending charity to the poor, &c. It is certainly time that the people of this country should begin to profit by experience.

For the purposes of providing against the existing abuses and unlawful conduct of incorporations in this state, and bringing them under strict and rigid legal regulations, the majority of the committee have prepared a bill which is herewith reported.

The committee, therefore, ask to be discharged, from the further consideration of the petition, and that the same be laid upon the table.

S. No. 124; Proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and other regulations as to corporations generally.

Mr. Harris, from the standing committee on Claims, to which was referred the following resolution, introduced by the Judiciary committee, reported the same back, and recommended its passage.

Resolved by the General Assembly of the State of Ohio, That the Governor be authorized to pay G. Nelson Cumming, Esq., the sum of three hundred dollars, as counsel fees, for his services in defending the State in the case of Wharton vs. the State of Ohio, recently tried in the supreme court of the county of Muskingum, pursuant to a special act of the General Assembly entitled "an act for the relief of Henry Wharton," passed March 23, 1840; and that the Auditor of State be required forthwith to institute a suit, if the same be necessary, upon the bond of the said Henry Wharton and his surety, for the recovery of said counsel fees.

Mr. Root moved to amend the resolution by striking out "three hundred" and inserting instead thereof "one hundred and fifty."

Mr. Harris moved that the Senate take a recess, on which motion,

Mr. Stanton demanded the yeas and nays, which, being ordered, were, yeas 24, nays 12, as follows, to-wit:

Yeas—Messrs. Carpenter, Clark, Crowell, Ford, Foos, Godman, Harris, Henderson, Hostetter, Latham, Leonard, McConnell, Nash, Robbins, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—24.

Nays—Messrs. Aten, Barnett, Bartley, Dewey, Goodin, Hazeltine, Holmes, Mitchell, Perkins, Ream, Ritchey and Stanton—12.

So the Senate took a recess until three o'clock, P. M.

THREE O'CLOCK, P. M.

The question occurring on agreeing to the amendment offered by Mr. Root,

Mr. Stanton called for a division of the question, and it turning on striking out,

Mr. Goodin demanded the yeas and nays, which, being ordered, were, yeas 15, nays 18, as follows, to-wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the motion to strike out did not prevail.

The question then occurring on the adoption of the resolution, the yeas and nays were demanded, and, being ordered, were, yeas 19, nays 17, as follows, to-wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the resolution was agreed to.

Mr. Aten, from the standing committee on Colleges and Universities, to which was recommitted House bill No. 27, to incorporate the trustees of Central College of Ohio, reported the same back, and recommended its third reading.

On motion,

The bill was recommitted to the standing committee on Corporations.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was recommitted Senate bill No. 101, to incorporate the Troy and Stillwater Turnpike Company, reported the same back with one amendment, and recommended that the bill be engrossed for its third reading.

On motion,

The bill and pending amendment were recommitted to the standing committee on Corporations.

Mr. Nash, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 125; A bill to incorporate the Providence Baptist Church in the township of Clay, and the county of Gallia.

Mr. Thomas, agreeably to previous notice, introduced the following bill, which was read the first time:

S. No. 126; A bill to amend the act entitled "an act to organize the judicial courts," passed February 7, 1831.

Mr. Clark, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 127; A bill for the sale of school section 16, in Brady township, in the county of Williams.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 122; A bill to authorize the surrender of the residue of section sixteen, in township seven, of range five, in Belmont county;

S. No. 123; A bill further to amend the act entitled an act regulating Judgments and Executions.

The following bill was read the third time:

S. No. 103; A bill to incorporate the Kaal a Kadesi Beni Jeshurun (Holy Congregation of Children of Jeshurun) of the city of Cincinnati.

On the passage of the above bill,

Mr. Thomas demanded the yeas and nays, which, being ordered, were, yeas 32, nays 4, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—32.

Nays—Messrs. Aten, Carpenter, Root and Taylor—4.

So the bill passed.

The following bill was read the third time:

S. No. 38; A bill to authorize the sale of certain school lands in Washington township, Marion county.

On the passage of this bill,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Dewey, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Leonard, Ream, Ritchey, Robbins, Sill, Taylor, Van Vorhes and Speaker—19.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Holmes, Latham, Mitchell, McConnell, Nash, Root, Spangler, Stanton, Thomas, Wade, Waddle and Walton—16.

So the bill passed.

The following bills were read the third time and passed:

Senate No. 107; A bill to amend the act entitled, "an act to incorporate the Protestant Methodist Academy in the Village of Brighton, in the county of Cuyahoga," passed March 17, 1840;

Senate No. 106; A bill to amend the act entitled, an act to incorporate the First Protestant Methodist Society in the township of Brooklyn, in the county of Cuyahoga, passed March 17, 1840.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time:

H. bill No. 216, to dispense in the making records in certain cases;

H. bill No. 217, to amend the act entitled, "an act to provide for the inspection of salt."

Attest:

GID. M. AYRES, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills of the Senate, with amendment, to which the concurrence of the Senate is requested:

S. No. 42, to enforce the resumption of specie payments by the banks in the state of Ohio;

S. No. 52, authorizing the commissioners of Hancock county to assess additional taxes for bridge purposes;

S. No. 66, to incorporate Steubenville Lodge, No. 45, of Free and Accepted Masons, of Steubenville, Ohio.

The following bills of the Senate have been read the third time and passed:

S. No. 44, to incorporate the Presbyterian Society of the town of Ashland, Richland county;

S. No. 55, to restore Leonard L. Bush to his legal rights and privileges;

S. No. 57, to incorporate the First Presbyterian Church of Grand, Marion county.

The House insists upon the 8th and 11th amendments of the House, to Senate bill No. 64, fixing the times of holding courts of common pleas.

Attest;

GID. M. AYRES, Clerk.

The Senate agreed to the House amendment, to Senate bill No. 52.

The Senate agreed to the second amendment of the House, to Senate bill No. 66, and disagreed to the first.

Senate bill No. 42, together with the House amendments thereto, was referred to the standing committee on the Currency.

The Senate insisted upon its disagreement to the 8th and 11th amendments of the House, to Senate bill No. 64, fixing the times of holding the courts of common pleas, and asked a committee of conference.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House, and read the first time, to wit:

H. bill No. 213, to amend an act to establish the Miami University, and appointing trustees for the same;

H. bill No. 214, to repeal the act entitled, "an act to incorporate a company to construct a turnpike road from Columbus, to Sandusky city," passed January 31, 1826;

H. bill No. 215, to authorize the county commissioners of Hamilton county, to take stone, timber, &c., for the purpose of making and repairing roads in said county.

Attest:

GEO. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House insists upon its amendments to Senate bill No. 27, fixing the times of holding the supreme court.

Attest:

GEO. M. AYRES, *Clerk.*

The Senate insisted upon its disagreement to the House amendments, to Senate bill No. 27, fixing the times of holding the supreme court, and requested a committee of conference.

On motion of Mr. Robbins, it was

Resolved, That the committee on Schools and School Lands, inquire if any amendments to the school law be necessary, to secure to all interested, free access to the public schools, while the public money is being expended.

The Speaker presented a special report from the Board of Public Works, in answer to a resolution relative to the claims of Thomas White, which was,

On motion,

Laid upon the table.

[See Vol. Pub. Doc. No. 63.]

The Speaker also presented a special report from the Board of Public Works, in answer to a resolution of the Senate, in relation to tolls on salt, which was,

On motion,

Laid on the table.

[See Vol. Pub. Doc. No. 61.]

On motion of Mr. Spangler,

The Senate took up the motion to reconsider the vote of the Senate, on ordering to its third reading the bill of the House, No. 11, to establish permanently the seat of justice for Summit county.

The Senate agreed to reconsider.

Mr. Spangler moved that the bill be ordered to its third reading on Monday next.

Mr. Goodin moved a call of the Senate; which being ordered, Mr. Harris was found absent.

Mr. Harris having appeared in the Senate chamber,

On motion of Mr. Barnett,

Further proceedings under the call were dispensed with:

The question occurring on ordering House bill, No. 11, to its third reading on Monday next,

The yeas and nays were demanded, and were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Atten, Bartley, Clark, Crowell, Ford, Goodin, Hartzeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Wade, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Dewey, Foss, Godman, Harris, Henderson, Hostetter, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes and Waddle—18.

So the motion did not prevail.

On motion of Mr. Waddle,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

MONDAY, FEBRUARY 7, 1842.

The Senate met pursuant to adjournment.

Mr. Waddle presented a memorial from the President and Directors of the Franklin Bank of Columbus, in relation to the loan made by that institution to the State; which was

Referred to the standing committee on the Currency.

Mr. Wade presented a petition from citizens of Trumbull county, praying the passage of a law to prevent the erection of dams on the Ashtabula and Conneaut Creeks; so as prevent the passage of fish; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes presented a petition from William Lewis, of Fulton Hamilton county, in relation to a lot of land in said township, the property of George Burgess, an alien, now deceased, which property has become escheated to the State of Ohio; which was

Referred to a select committee of one, and Mr. Holmes appointed that committee.

Mr. Holmes presented a petition from John Hunt and others, citizens of Cincinnati, Ohio, asking the incorporation of the third New Jerusalem Society of Cincinnati; which was

Referred to a select committee of one, and Mr. Holmes appointed that committee.

Mr. Dewey presented a petition from citizens of Harrison county, praying that no banks may be incorporated, unless the stockholders are held individually liable; which was

Referred to the standing committee on the Currency.

Mr. Thomas presented a petition from sundry citizens of Miami county, asking the passage of an act to incorporate a company to construct a turnpike road from Covington, in said county, to St. Mary's, in Mercer county; which was

Referred to a select committee of one, and Mr. Thomas appointed that committee.

Mr. Dewey presented a memorial from 127 citizens of Harrison county, asking the passage of a law to refer to the voters of said county of Harrison, or townships, as to how many taverns shall be licensed, if any, to retail spirituous liquors; which was

Referred to the standing committee on the Judiciary.

Mr. Van Vorhes presented a memorial from Joseph Herrold, Jr., in relation to the conduct of the resident and assistant engineer on the Hocking canal; which was

Referred to the standing committee on Canals.

Mr. Mitchell presented a petition signed by 48 persons, asking a recharter of the Farmers' and Mechanics' Bank of Steubenville; which was

Referred to the standing committee on the Currency.

Mr. Carpenter presented a petition from citizens, legal voters, of the village of Akron, in the county of Summit, asking the repeal of all laws of this State which make a distinction among its inhabitants on account of color, referring particularly to the law relating to fugitives from justice; the law depriving a portion of the inhabitants of the right of suffrage; the right of trial by jury; the right to testify in courts of justice, and the benefits of the common school education; which was

Referred to the standing committee on the Judiciary.

Mr. Henderson presented a petition from sundry citizens of Muskingum county, asking the passage of a law to prevent the judges of courts from licensing drinking houses, in any township or corporation, in opposition to the wish of a majority of the legal voters residing within said corporation or township; which was

Referred to the standing committee on the Judiciary.

Mr. Sill presented a petition from physicians of Summit county, praying the aid of the State to the Willoughby University; which was

Referred the standing committee on Medical Colleges and Universities.

Mr. Hostetter, from the select committee to which was referred the remonstrance from citizens of Stark county, remonstrating against the construction of a reservoir for daming up the waters of Lake Scipo, near Massillon, in said county, by the authority of the State, made the following report, accompanied by a resolution:

The select committee of one, to whom was referred the petition from citizens of Stark county, remonstrating against the construction of a reservoir for daming up the waters of Lake Scipo near Massillon, in Stark county, by the authority of the state, have had the same under consideration, and now report:

That the petitioners represent it as a "wild and unprofitable project," and calculated, if accomplished, to benefit a few in a neighboring village, to the prejudice and injury of the surrounding country; that it would overflow about one thousand acres of valuable land, and thereby inflict an injury, not only upon the owners of those lands, but would cause a depreciation in the value of lands lying contiguous to said lake; and, that the whole project is, in their opinion, impolitic, if practicable, and to many quite injurious, and would, as they think, have a tendency to create sickness in the neighborhood of this overflowed land.

The committee is informed, from an undoubted source, that during the summer or fall of 1841, certain surveys and levels were made by the authorities of the state, at and about said lake, with a view of making said lake a reservoir or feeder, as it was said, for the Ohio canal. While these surveys were in progress great dissatisfaction at the measure was manifested by those residing near the lake, in particular, and much opposition was expressed by the citizens of the surrounding country; that it was projected by the Massillon rolling mill company, (so called,) whose interests alone it was calculated mainly to subserve, without any corresponding benefit resulting to the state, and injurious to much private property, and, in some cases, almost ruinous.

From the best information the committee obtained, and, in part, from personal knowledge of the facts, no good reasons exist for the construction of this reservoir, for the purpose of supplying the level of the Ohio canal with water at the town of Massillon, the point at which it is sought to be brought in as a feeder.

This level of the canal is about nine miles in length, commencing about one mile south of the town of Fulton, and extending southwardly, to about one-third of a mile south of Massillon. The outlet of this Lake Scipo forms a junction, as the committee believe, with a creek of the same name, several miles from Massillon, in an eastern direc-

tion, and then meanders, with an exceedingly great fall, till it reaches the town of Massillon, where its waters now propel an extensive, and recently built woollen factory, ostensibly owned by this Massillon rolling mill company; after which, and at a short distance from there, it reaches the east side of the level of the canal referred to, in the south part of the town of Massillon; its waters are then taken under the canal by means of a culvert, and not taken into said level of the canal, (as some thought it ought to have been taken,) and thence, from the west side of the canal, the water is again conducted a short distance, where, a few years since, it propelled another woollen factory, also owned by this same Massillon rolling mill company, near the Tuscarawas river; after which it is permitted to commingle with that of the river.

The committee has already expressed the opinion, that no good reasons exist for the construction of this contemplated reservoir by the state, for the purpose of supplying the canal with additional water at the point designated. It is not contended, (as the committee believe,) that a want of water really exists on this nine mile level at the town of Massillon; but it is said that the water in the two subsequent levels, one of which is two-thirds of a mile, and the other five miles in length, is, at times, insufficient to answer all the purposes of canal navigation, and hence, the necessity, on the part of the state, of constructing this work to furnish an additional supply.

In reference to the correctness of the views taken by the committee in this matter, it is necessary to state, that at the south end of the nine mile level, and about one-third of a mile south of the town of Massillon, an amount of surplus water was some time since disposed of by the state agent; and where a large flouring mill, owned by a citizen of Massillon, has recently been erected, and now is in progress of completion, which, when completed, will be propelled by said surplus water out of that level; after which the water will be conducted into the canal, at the north end of the five mile level, and at the south end of which, at the town of Navarre, another large and extensive flouring mill now is, and has for several years past been, in successful operation, and also owned by this same Massillon rolling mill company, and propelled by the same surplus water of the canal, at this point, and all drawn from the same nine mile level; which level, this project seeks still further to supply with water, under the plea of insufficiency for the requirements of canal navigation. After the water leaves the last mentioned mill, at the town of Navarre, it is taken into the canal at the north end of the ten mile level, between Navarre and the town of Bolivar, in Tuscarawas county; *upon which level*, without any other accession of water, whatever, it is not pretended that any want of water was ever experienced; but solely dependant, as the two levels above referred to are, upon that drawn from the abundantly supplied nine mile level, at, and north of Massillon, and passing through those mills.

How, then, under these circumstances, can there be a lack or want of water on any of the levels of the canal alluded to, when the agent of the state has sold, or leased, to this Massillon rolling mill company

at Navarre, an amount of surplus water sufficient to warrant said company to incur so heavy an expenditure of money as must necessarily be incurred in the erection of such a flouring establishment—unless the commissioner, or agent of the state, in thus leasing water power for private uses, acted either grossly ignorant, as to the wants of the canal, or outrageously corrupt, in discharging the duties he owed to the state, and which he ought strictly to have guarded, and thereby rendering it necessary that an additional supply of water should be had, by resorting to this very expensive expedient to obtain it.

The committee, however, is unwilling to believe that such motives governed the agent of the state, in this particular. It may be possible, that more water is drawn from the canal, to supply the mill, than is authorized to be drawn; and if so, would have the effect to reduce the water in that level; but it is difficult to conceive, how even this could occur, if the ordinary precaution, on the part of the state's agent, was observed in the leasing of such surplus water. One of three things, however, is certain—Either, the state's agent leased to this Massillon rolling mill company more water than could be spared from the wants of the canal—or more is drawn from it, for the use of the mill, than is authorized to be so drawn—or there is an ample supply, of water on all these levels of the canal referred to, (which the committee have no doubt is the case.)

The same remarks apply to the mill at the south end of the nine mile level, near Massillon. It cannot, it appears to the committee, by possibility be otherwise. If the agent of the state had not full confidence that, not only an ample supply, but a large surplus of water, and more than adequate to the wants of the canal, on those levels, existed on the nine mile level, why, the committee would ask, was the water from the Scipo, after propelling the woollen factory in Massillon, not taken into the canal, instead of passing under it, as it now does, and propels, or did propel, another factory near the river, before referred to?

The committee is also of opinion, and has no hesitation in stating it, that this project of constructing a reservoir at or near Lake Scipo, under the pretence of furnishing an additional supply of water for the canal, is unnecessary, inexpedient, and unwarrantable, so far as the best interests of the state are concerned, and had its origin with this Massillon Rolling Mill Company, and if accomplished, would promote their interest to a very great extent. To make this more manifest, the committee will state the following facts:

It would create an immense water power on the lands of this company, in consequence of the very great fall, (from seventy to one hundred feet, could be made available,) either on the north or south side of the town of Massillon; or part of the water on the north, and part on the south side could be so made available, just as circumstances or interest might seem to dictate; all of which power they could procure from the state, to the exclusion of others, before the water would reach the canal.

If the water was taken to the south side (as it probably would be,) or if only a part were taken, the power at their woollen factory in Massillon, would be much increased, and enable them to do a more extensive business at that point, in dry seasons, to say nothing of an increased supply thereby obtained, to that which now passes under the canal, and which did, if it does not now, propel machinery at the point heretofore alluded to, near the bank of the Tuscarawas river. And again, the owner of the flouring mill; at the south end of the nine mile level near Massillon, also before referred to, would, as a matter of course, if the contemplated measure were to succeed, also be accommodated with an additional supply of surplus water, in consequence of which, he could enlarge his business in a corresponding degree; and lastly, this company's flouring and saw mill at Navarre, and near the south end of the five mile level, would by this measure, also gain an additional supply of water, exactly corresponding in quantity to that put upon the nine mile level at the town of Massillon, after first having subserved the company's interest before it would reach the canal.

The committee trust it has been satisfactorily shown, that good policy on the part of the state, in reference to this matter, forbids the construction of any reservoir on the Scipa waters for the purposes contemplated—would, therefore, recommend the adoption of the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works be, and they are hereby prohibited from constructing a dam or reservoir, or any other fixture or device whatever, by which the waters of Scipo creek, or that of Lake Scipo, near Massillon, in Stark county, be in any manner raised, obstructed, or diverted out of its present channel; but that the same be permitted to flow in its usual course until it passes through the woollen factory in Massillon; after which it may, if the Board of Public Works deem it necessary, be taken into the canal.

On motion,

The report and resolution were referred to the standing committee on Canals.

Mr. Stanton, from the select committee to which was recommitted Senate bill No. 109, to quiet land claims in the Virginia military district, north west of the Ohio river, reported the same back with sundry amendments.

On motion,

The bill and pending amendments were referred to the standing committee on the Judiciary.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 124—A bill, proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and other regulations as to corporations generally;

S. No. 125—A bill to incorporate the Providence Baptist Church in the township of Clay, in the county of Gallia;

S. No. 126—A bill to amend the act entitled "an act to organize the Judicial Courts," passed February 7, 1831;

S. No. 127—A bill for the sale of school section 16, in Brady township, Williams county.

On motion of Mr. Root,

The Senate resolved itself into committee of the whole, Mr. Thomas in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills:

H. No. 26—A bill concerning elections in the township of Cleveland, without amendment.

Recommitted to the standing committee on the Judiciary.

H. No. 62—A bill to amend an act entitled "an act to incorporate the Hamilton and Rossville Hydraulic Company," without amendment.

Mr. Root offered an amendment to this bill, and the bill and pending amendment were recommitted to the standing committee on Corporations.

H. No. 65—A bill to lay out and establish a State road in the counties of Holmes, Knox and Marion, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 66—A bill to incorporate the Union Library Association of Richmond, in the county of Ashtabula, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 80—A bill for the relief of Robert Willet, without amendment.

Recommitted to the standing committee on Schools and School Lands.

H. No. 85—A bill to incorporate the Grand Lodge of Ohio, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 88—A bill to authorize the sale of school section number sixteen, in Jackson township, in the county of Hancock without amendment.

Recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Holmes,

The Senate again resolved itself into committee of the whole, Mr. Sill in the chair, on the orders of the day, and after some time spent in the consideration thereof, the committee rose and reported back the following bills:

H. No. 94—A bill to alter certain school districts in Bucyrus township, in Crawford county, without amendment.

Recommitted to the standing committee on Schools and School Lands.

H. No. 95—A bill to authorize the sale of school section number sixteen, in Union township, in the county of Putnam, without amendment.

This bill was amended, and then recommitted to the standing committee on Schools and School Lands.

H. No. 96—A bill to authorize the sale of school section sixteen, in Union township, in the county of Hancock, without amendment.

Recommitted to the standing committee on Schools and School Lands.

H. No. 100—A bill to incorporate the Hook and Ladder Company of Hudson, in the county of Summit, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 103—A bill to incorporate the Wardens and Vestry of Grace Church in Cincinnati, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 105—A bill to amend an act entitled "an act for the inspection of certain articles therein mentioned," without amendment.

Recommitted to the standing committee on the Judiciary.

H. No. 106—A bill to authorize the sale of section number sixteen, in Tymochtee township, in the county of Crawford.

This bill was amended, and then recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Hazeltine,

The Senate again resolved itself into committee of the whole, Mr. Crowell in the chair, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bills:

H. No. 109—A bill to incorporate the town of Antrim, in the county of Guernsey, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 110—A bill to lay out and establish a graded State road in the counties of Monroe and Washington, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 111—A bill to vacate a part of the State road leading from Cincinnati, in Hamilton county, to Bethel, in Clermont county, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 112—A bill to incorporate the Monumental Methodist Episcopal Church of the town of Eaton, Preble county, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 113—A bill to incorporate the Rector, Church Wardens and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 114—A bill to provide for the improvement and repair of a certain county road in Hamilton county, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 115—A bill to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 116; A bill to authorize the levy of an additional tax in school district number two, in Rome township, in the county of Ash-tabula, without amenduement.

Recommitted to the standing committee on Schools and School Lands.

H. No. 118; A bill to lay out and establish a state road in the coun-ties of Delaware and Knox, without amendment.

Recommitted to the standing committee on Roads and Highways.

H. No. 119; A bill to incorporate the town of Pleasant Valley, in the county of Madison, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 120; A bill to confirm and legalize the name of Joseph A. Roof, without amendment.

Recommitted to the standing committee on the Judiciary.

H. No. 121; A bill to lay out and establish a graded state road in the counties of Harrison and Belmont, with one amendment, which was agreed to.

Recommitted to the standing committee on Roads and Highways.

Mr. Clark offered for adoption the following resolution, which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be required to procure and forward to the Clerk of the court of Lucas county, the 1st, 2d, 3d, 4th, 5th, and 6th num-bers of the Ohio supreme court reports.

Mr. Godman, agreeably to previous notice, introduced the follow-ing bill, which was read the first time:

S. No. 128; A bill to revive the act to incorporate the Columbus, Delaware, Marion, and Upper Sandusky Railroad Company, passed February 29, 1836.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have compared and found correctly enroled, the following acts and resolution, to wit:

An act to authorize the directors of school district number 10, in Falls township, Muskingum county, to sell and convey a part of their school house lot;

An act to lay out and establish a graded state road in the counties of Harrison and Guernsey;

An act to divorce Annas Whitaker from his wife, Phebe Whitaker; Resolution relative to the cleaning of certain canals.

Mr. Aten, from the same committee, made the following report:

The joint standing committee have this day deposited in the office of the Secretary of State the following acts and resolutions, and have taken his receipt for the same:

S. No. 41; An act to change the name of the town of Waynes-burgh, in the county of Wayne;

S. No. 43; An act to amend the act entitled an act to incorporate the Baptist Church of Dover, in Tuscarawas county, passed February 18, 1841;

H. No. 53; An act to amend the act of incorporation of the town of Felicity, in Clermont county;

H. No. 69; An act to incorporate the First Presbyterian Church of Berlin township, in Delaware county;

S. No. 26; An act to incorporate the Philomathean Literary Society of the Monroe Academy;

S. No. 33; An act to repeal a part of the act entitled, "an act for the relief of Stephen D. Cutler, and others," passed March 25, 1841;

Resolution appointing Daniel J. Swinney, of Richland county, Register of the Virginia Military School District lands.

On motion of Mr. Hazeltine,

The Senate resolved itself into committee of the whole, Mr. Ream in the chair, on the orders of the day; and after the consideration thereof, the committee rose and reported back the following bills:

S. No. 112; A bill to incorporate the United Brethren in Christ of Cincinnati, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 114; A bill to amend the act entitled, "an act granting licenses to pedlars," without amendment.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 113; A bill to repeal the sixth section of the act "to establish a free turnpike road, from the south boundary of Champaign county to Upper Sandusky, in Crawford county," passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said sections affect the township of Monroe, in the county of Logan, without amendment.

This bill was amended, and then ordered to be engrossed for its third reading on to-morrow.

Message from the House of Representatives.

Mr. Speaker:

The House acceded to the proposition of the Senate in the appointment of a committee of conference in relation to the difference between the two houses relative to the amendments of the House to Senate bill No. 27, and have appointed Messrs. Fuller, Perkins, and Watters, said committee on the part of the House.

The House has also acceded to the proposition of the Senate, in relation to the difference between the two houses, relative to the amendments of the House to Senate bill No. 64, in appointing a committee of conference, and have appointed Messrs. McNulty, Wolcott, and Warner, said committee on the part of the House.

The House has receded from the first amendment of the House to Senate bill No. 68.

Attest:

GID. M. AYRES, *Clerk.*

Messrs. Stanton and Harris were appointed a committee on the part of the Senate, to confer with the House committee in relation to Senate bill No. 27.

Messrs. Bartley and Crowell were appointed a committee on the

part of the Senate to confer with the House committee in relation to Senate bill No. 64.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following bills, to which the signature of the Speaker of the Senate is requested:

H. No. 29; An act to divorce Annas Whitaker from his wife, Phebe Whitaker;

H. No. 31; An act to authorize the directors of school district No. 10, in Falls township, Muskingum county, to sell and convey a part of their school house lot;

H. No. 50; An act to lay out and establish a graded state road in the counties of Harrison and Guernsey.

The Speaker of the House of Representatives has also signed the following resolution, to which the signature of the Speaker of the Senate is requested:

Resolution relative to the cleaning of certain canals.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills and resolution.

On motion of Mr. Godman,

The Senate took up Senate bill No. 59, to amend the act entitled, "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839.

The question occurring on agreeing to the amendments of the standing committee on Canals, they were severally considered and agreed to.

Mr. Nash moved to amend the bill by adding the following at the close of section 1:

"Provided said corporation shall have commenced the building of said bridge, and have expended the sum of five thousand dollars on the same within one year, and ten thousand dollars on the same within two years, from and after the first day of April next."

Mr. Godman moved to amend the amendment by striking out "five thousand dollars on the same within one year."

On agreeing to the amendment to the amendment, the yeas and nays were demanded; and being ordered, were, yeas 19, nays 12, as follows:

Yeas—Messrs. Barnett, Bartley, Carpenter, Dewey, Ford, Foss, Godman, Hazeltine, Henderson, Holmes, Hostetter, Leonard, McConnell, Perkins, Ritchey, Spangler, Wade, Waddle, and Speaker—19.

Nays—Messrs. Aten, Goodin, Harris, Latham, Mitchell, Nash, Ream, Robbins, Root, Sill, Thomas, and Van Vorhes—12.

So the amendment to the amendment was agreed to.

The amendment, as amended, was then adopted.

Pending the consideration of Senate bill No. 59,

On motion of Mr. Goodin,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

TUESDAY, FEBRUARY 8, 1842.

The Senate met pursuant to adjournment.

Mr. Robbins presented a petition from 27 citizens of Adams county, praying the passage of a law to authorize the election of directors of poor houses; which was

Referred to the standing committee on the Judiciary.

Mr. Bartley presented a petition from sundry citizens of Richland county, for the passage of an act to incorporate the First Regular Baptist Church of the town of Mansfield; which was

Referred to the standing committee on Corporations.

Mr. Clark presented a petition from sundry citizens of Putnam, praying the removal of the State land office from Lima to Kalida; which was

Referred to the standing committee on Public Lands.

Mr. Sill presented a petition from 66 citizens of Ohio, praying the passage of a law requiring all collectors on the Ohio canals, neither to grant or indorse clearances on the Sabbath, to any boat running on said canals; which was

Referred to the standing committee on Canals.

Mr. Carpenter presented a petition from 47 male, and 66 female citizens, of Mount Pleasant, in the county of Jefferson, praying the passage of a law abolishing capital punishment; which was

Referred to the standing committee on the Judiciary.

Mr. Van Vorhes presented a petition from citizens of the counties of Washington, Athens, and Ross, praying the location of a State road from the Ohio river, opposite Parkersburg, Va., to Chillicothe; which was

Referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Carpenter presented a petition from 38 citizens of Harrisville, Harrison county, and adjacent parts, praying for a law abolishing capital punishment in the State of Ohio; which was

Referred to the standing committee on the Judiciary.

Mr. Spangler presented the accounts of the following persons, for repairs done to the state house, to wit:

The accounts of Hall and Jenkins, M. Martin, Mr. Lewellen, and Conrad Heyl; which were

Referred to the standing committee on Claims.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted House bill No. 105, to amend the act entitled "an act for the inspection of certain articles therein enumerated," reported the same back, and recommended its indefinite postponement; which was agreed to.

Mr. Walton, from the same committee, to which was recommitted Senate bill No. 105, to authorize the auditor of the county of Athens to transcribe certain records, and to make the same proper evidence, reported the same back with sundry amendments; which were agreed to, and the bill.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 39, to define the meaning and intention of the ninth section of the act entitled "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bills of certain descriptions," passed January 28, 1824, reported the same back, asked leave to be discharged from the further consideration thereof, and that the bill be referred to the standing committee on the Currency; which was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of, and papers relating to the claim of, John McCoy, reported the same back, asked leave to be discharged from the further consideration thereof, and that the petition and papers be referred to the standing committee on Claims; which was agreed to.

Mr. Bartley, from the same committee, to which was referred a petition from citizens of Ashtabula county, in relation to fish in certain creeks, reported the same back, asked leave to be discharged from the further consideration thereof, and that the petition be referred to the standing committee on Claims; which was agreed to.

Mr. Bartley, from the same committee, to which the subject had been referred, reported the following bill; which was read the first time:

S. No. 129; An act in addition to "an act to provide for the sale of lands granted by congress for the use of schools within the Virginia military district, and to authorize the lessees of said lands to surrender their leases, and receive certificates of purchase."

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No. 109, to incorporate the town of Antrim, in the county of Guernsey, reported the same back without amendment,

Ordered to its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 84, to provide for the election of directors of the poor, reported the same back with sundry amendments; which were agreed to.

On motion of Mr. Heetter,

The bill was laid upon the table.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 120, to confirm and legalize the name of Joseph A. Roof, reported the same back, and recommended its third reading.

Ordered to be read the third time on to-morrow.

Mr. Latham, from the standing committee on the Currency, to which was recommitted Senate bill No. 76, to regulate banking in Ohio, reported the same back with sundry amendments; which were agreed to.

On motion of Mr. Bartley,

The bill was further amended.

On motion of Mr. Thomas,

The bill was laid upon the table, and

Ordered to be printed as amended.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted House bill No. 121, to lay out and establish a graded State road in the counties of Harrison and Belmont, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which had been recommitted House bill No. 65, to lay out and establish a State road in the counties of Holmes, Knox, and Marion, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill No. 97, to authorize the sale of school section, number sixteen, in Amboy township, Lucas county, reported the same back without amendment.

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Nash demanded the yeas and nays; which being ordered, were, yeas 16, nays 18; as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Godman, Goodin, Harris, Hazeltine, Hostetter, Leonard, Ream, Ritchey, Robbins, Still, Taylor and Speaker—16.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Henderson, Holmes, Mitchell, McConnell, Nash, Perkins, Root, Spangler, Stanton, Van Vorhes, Wade, Waddle and Walton—18.

So the Senate refused to order the bill to its third reading.

Mr. Nash, from the same committee, to which was recommitted House bill No. 71, to authorize the sale of school section, number sixteen, in Townsend township, in the county of Sandusky, reported the same back without amendment.

On motion of Mr. Goodin,

The bill was laid upon the table.

Mr. Nash, from the same committee, to which was recommitted House bill No. 6, to authorize the sale of school section, number sixteen, in Madison township, in the county of Sandusky, reported the same back without amendment.

On motion of Mr. Goodin,

The bill was laid upon the table.

Mr. Nash, from the same committee, to which was recommitted House bill No. 16, to authorize the sale of school section, number sixteen, in Harris township, in the county of Ottawa, reported the same back without amendment.

On motion of Mr. Goodin,

The bill was laid upon the table.

Mr. Goodin, from the standing committee on Corporations, to which was recommitted Senate bill No. 101, to incorporate the Troy and Stillwater Turnpike Company, reported the same back with two amendments.

On motion,

The bill and pending amendments were laid upon the table.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No. 113, to incorporate the Rector, Church Wardens, and Vestrymen, of Zion Church, in the town of Dresden, and county of Muskingum, reported the same back with amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 112, to incorporate the Monumental Methodist Episcopal Church, of the town of Eaton, Preble county, reported the same back without amendment.

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 119, to incorporate the town of Pleasant Valley, reported the same back with one amendment; which was agreed to, and the bill was

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 100, to incorporate the Hook and Ladder Company, of Hudson, in Summit county, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill 103, to incorporate the Wardens and Vestry of Grace Church, in Cincinnati, reported the same back without amendment.

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 115, to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby, reported the same back without amendment.

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 66, to incorporate the Union Library Association of Richmond, in the county of Ashtabula, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 112, to incorporate the United Brethren in Christ, of Cincinnati, reported the same back without amendment, and the bill was

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 85, to incorporate the Grand Lodge of Ohio, reported the same back, with sundry amendments; which were agreed to.

The question occurring on ordering the bill to its third reading,

Mr. Wade demanded the yeas and nays; which, being ordered, were, yeas 14, nays 20, as follows to wit:

Yeas—Messrs. Clark, Godman, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler and Van Vorhes—14.

Nays—Messrs. Aten, Bartley, Carpenter, Crowell, Dewey, Ford, Foos, Goodin, Leonard, Perkins, Robbins, Root, Sill, Stanton, Taylor, Thomas, Wade, Waddle, Walton and Speaker—20.

So the Senate refused to order the bill to its third reading.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 27, to incorporate the Trustees of Central College of Ohio, reported the same back without amendment.

On motion of Mr. Waddle,

The bill was recommitted to a select committee of one, and Mr. Waddle was appointed said committee.

Mr. Holmes, from the same committee, to which the subject was referred, reported the following bill; which was read the first time:

S. No. 130; A bill to incorporate the First Regular Baptist Church, in Mansfield, in the county of Richland.

Mr. Holmes, from the select committee on that subject, introduced the following bill; which was read the first time:

S. No. 131; A bill to incorporate the Third New Jerusalem Society of Cincinnati.

Mr. Holmes, from the select committee to which was referred Senate bill No. 22, for the punishment of certain crimes and misdemeanors, reported the same back, with sundry amendments; which were agreed to.

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Taylor moved a call of the Senate; which, being ordered, Messrs. Hazeltine and Ritchey were found absent.

On motion of Mr. Taylor,

Further proceedings under the call were dispensed with.

The question then recurring on ordering the bill to be engrossed,

Mr. Taylor demanded the yeas and nays; which, being ordered, they were, yeas 25, nays 10, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Leonard, McConnell, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

Nays—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ream, Spangler, Taylor and Walton—10

So the bill was

Ordered to be engrossed for its third reading on to morrow.

Mr. Waddle, from the select committee to which was referred House bill No. 27, to incorporate the Trustees of Central College of Ohio, reported the same back with one amendment, to wit:

Strike from the bill the 8th section thereof; which reads as follows, to wit:

"Sec. 8. That no black or mulattoe person shall be instructed in any department of the said College, under the forfeiture of all its corporate franchises."

On agreeing to strike out the 8th section of said bill,

Mr. Bartley demanded the yeas and nays; which, being ordered, were, yeas 16, nays 20, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Leonard, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—20.

So the Senate refused to strike out the 8th section.

Mr. Carpenter offered the following amendment, as section 9:

Sec. 9. That no president of said college shall have more than one half negro blood; that no professor in said college shall have more than one fourth negro blood; and that no tutor in said college shall have any negro blood, nor any student in said college have any other than pure Anglo-Saxon blood.

On agreeing to Mr. Carpenter's amendment,

Mr. Walton demanded the yeas and nays; which, being ordered, were, yeas 3, nays 33, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell and Wade—3.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Waddle, Walton and Speaker—33.

So the amendment was disagreed to.

On motion of Mr. Waddle,

The bill was laid upon the table.

Mr. Henderson, from the select committee on that subject, to which was referred House bill No. 7, to amend the act entitled, "an act to authorize the establishment of poor houses," reported the same back with two amendments.

Mr. Taylor moved that the bill be indefinitely postponed; and on his motion demanded the yeas and nays; which, being ordered, were, yeas 23, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Ford, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Wade, Walton and Speaker—23.

Nays—Messrs. Carpenter, Clark, Crowell, Dewey, Foos, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes and Waddle—13.

So the bill was indefinitely postponed.

Mr. Ford, from the select committee on that subject, reported a bill, Senate No. 132, to extend to the county of Geauga, a part of the provisions of "an act to provide for the collection and payment of costs in prosecutions for minor offences, in the county of Cuyahoga," passed March 20, 1840; which was read the first time.

Mr. Bartley, from the committee of conference on the matter of difference between the two houses on the eighth and eleventh amendments of the House of Representatives, to Senate bill, No. 64, entitled, "a bill fixing the times of holding the courts of common pleas," conferred together and reported:

That the majority of the committee have agreed to recommend that the House of Representatives recede from the said eighth and eleventh amendments, and that the said Senate bill, be amended in the third line of the tenth section, by striking out the words "twenty eighth day of February," and insert in lieu thereof, the words, "second day of March."

The Senate agreed to the report of the committee.

Mr. Stanton, from the committee of conference, appointed on the part of the Senate, to confer with the committee appointed on the part of the House of Representatives, on the disagreement between the two houses, on the amendments of the House to Senate bill, No. 28, reported that the committee of the two houses met and conferred together on the subject, and not being able to agree, agreed to report their disagreement to their respective houses.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been reported to the House and read the first time, to wit:

H. bill No. 218, to amend an act entitled, "an act to establish a free turnpike road from the south boundary of Champaign county,

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to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county, passed March 17, 1838;

H. bill No. 219, to change part of the boundary line between the counties of Shelby and Logan;

H. bill No. 220, to incorporate the First Regular Baptist Church of Jackson, in Jackson county;

H. bill No. 221, making special appropriations in favor of Shelby, Cuyahoga and Lorain counties;

H. bill No. 222, to incorporate the Franklin Manufacturing Company.

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution providing for the election of certain officers.

Attest:

GEO. M. AYRES, *Clerk*.

The question being on agreeing to the following resolution of the House, to wit:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly, will meet in the Hall of the House of Representatives, on Wednesday, the ninth day of February, A. D., 1842, at three o'clock, P. M., of said day, for the purpose of electing one auditor of state, one librarian, two associate judges for the county of Lucas, one associate judge for the county of Madison, one associate judge for the county of Muskingum, one associate judge for the county of Miami, two associate judges for the county of Cuyahoga, one associate judge for the county of Henry, one associate judge for the county of Williams, and two associate judges for the county of Warren.

Mr. Taylor moved to strike therefrom, "one associate judge for the county of Muskingum," on agreeing to which motion, the yeas and nays being demanded, they were, yeas 6, nays 30, as follows, to wit:

Yeas—Messrs. Clark, Goodin, Hostetter, Leonard, Ream and Taylor—6.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Hazeltine, Henderson, Holmes, Latham, Mitchell, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—30.

So the Senate refused to strike out.

Mr. Taylor moved that the Senate adjourn, on which motion, the yeas and nays were demanded, and were, yeas 5, nays 31, as follows, to wit:

Yeas—Messrs. Harris, Mitchell, Nash, Taylor and Thomas—5.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes

Hostetter, Latham, Leonard, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Van Vorhes, Wade, Waddle, Walton and Speaker—31.

So the Senate refused to adjourn,

The question being on agreeing to the resolution of the House,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 34, nays 2, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazelting, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell; McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—34.

Nays—Messrs. Ream and Taylor—2.

So the Senate agreed to the resolution.

On motion of Mr. Wade,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*

WEDNESDAY, FEBRUARY, 9, 1842.

The Senate met pursuant to adjournment.

Mr. Aten presented a petition from citizens of Liverpool township, in the county of Columbiana, praying for a special act of incorporation of the Wardens and Vestrymen of St. Stevens Church; which was referred to a select committee of one; and Mr. Aten appointed that committee.

Mr. Holmes presented a petition from 118 citizens of the county of Hamilton, asking the repeal of the "camp meeting law," passed March, 1841, or a modification of the same, so as to limit the jurisdiction of the proprietors or directors of said meetings or places of worship, to the grounds owned or rented by them, for the purpose of holding such meeting; which was referred to the standing committee on the Judiciary.

Mr. Nash presented a petition from sundry citizens of the county of Gallia, asking for the incorporation of a Milling company; which was referred to the standing committee on Corporations.

Mr. Ford presented sundry petitions from citizens of Geauga and Cuyahoga counties, asking the repeal of the law attaching a part of the township of Russel, in the county of Geauga, to Orange, in the

county of Cuyahoga, and a part of the township of Orange, to the township of Russell, in the county of Geauga; which was referred to the standing committee on New Counties.

Mr. Goodin from the standing committee on Corporations, to which was recommitted the bill, Senate No. 47, to incorporate the Toledo Commercial Company at Toledo, in the county of Lucas, reported the same back with sundry amendments, which were agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Goodin, from the same committee, to which was recommitted the bill (Senate No. 72,) to incorporate the town of Jamestown, in the county of Greene, reported the same back with sundry amendments; which were agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Harris, from the standing committee on Claims, to which was referred sundry accounts, reported the following resolution, which was agreed to: -

Resolved by the General Assembly of the State of Ohio, That the following sums be paid to the persons herein named, for articles furnished, and services rendered the state, viz: to Hall & Jenkins, four dollars and seventy five cents; to A. Hardy, thirteen dollars; to ——— Lewellen, one dollar and fifty cents; to M. Martin, three dollars; and to Conrad Heyl, two dollars; and that the same be provided for in the general appropriation act.

Mr. Thomas, from the standing committee on the Judiciary, to which was referred the petition of Eliphalet Brooks, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition; which was agreed to:

The standing committee on the Judiciary, to which was referred the petition of Eliphalet Brooks, have had the same under consideration, and now report:—

That the petitioner asks the passage of an act to release him from the payment of a fine imposed upon him by the court of common pleas for Huron county, for an assault and battery upon one Ruth A. Hale, of which he had been found guilty by a jury.

Your committee are of opinion that, although injustice may have been done to the petitioner in this case, it would be highly impolitic for the General Assembly to interpose its authority to correct the real or supposed errors of the judicial tribunals of the state. Besides, the abundant safeguards which are thrown around the rights of the citizen in the administration of justice, by the courts, have been found, by long experience, to afford adequate protection against injustice. If, as the petitioner claims it was in this case, the jury rendered an erroneous verdict, it would have been good cause for granting a new trial, upon a proper showing to the court.

The committee ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted the bill (H. No. 118,) to lay out and establish a state road in the counties of Delaware and Knox, reported the same back with sundry amendments; which were agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted House bill No. 110, to lay out and establish a graded State road in the counties of Monroe and Washington, reported the same back with sundry amendments; and

The bill and amendments were laid on the table.

Mr. Aten, from the select committee on that subject, introduced a bill (S. No. 133) to incorporate the Wardens and Vestrymen of St. Steven's Church of Liverpool, in the county of Columbiana; which was read the first time.

Mr. Nash, from the select committee on that subject, introduced a bill (S. No. 134) to prohibit tavern keepers, and others, from selling spirituous liquors to minors; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 129—A bill in addition to the act to provide for the sale of lands granted by Congress for the use of schools within the Virginia Military district, and to authorize the lessees of said lands to surrender their leases, and receive certificates of purchase;

S. No. 130—A bill to incorporate the First Regular Baptist Church in Mansfield, in the county of Richland;

S. No. 131—A bill to incorporate the Third New Jerusalem Society of Cincinnati;

S. No. 132—A bill to extend to the county of Geauga a part of the provisions of "an act to provide for the collection and payment of costs in prosecutions for minor offences in the county of Cuyahoga," passed March 20, 1841.

The following bills were read the third time and passed, to wit:

S. No. 105—An act to authorize the Auditor of the county of Athens to transcribe certain records, and to make the same proper evidence;

S. No. 112—An act to incorporate the United Brethren in Christ, of Cincinnati;

H. No. 121—An act to lay out and establish a graded state road in the counties of Harrison and Belmont;

H. No. 120—An act to confirm and legalize the name of Joseph A. Roof;

H. No. 109—An act to incorporate the town of Antrim, in the county of Guernsey;

H. No. 113—An act to incorporate the Rector, Church Wardens, and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum;

H. No. 112—An act to incorporate the Monumental Methodist Episcopal Church of the town of Eaton, Preble county;

H. No. 100—An act to incorporate the Hook and Ladder Company of Hudson, in the county of Summit;

H. No. 119—An act to incorporate the town of Pleasant Valley, in the county of Madison;

H. No. 66—An act to incorporate the Union Library Association of Richmond, in the county of Ashtabula;

H. No. 115—An act to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby;

H. No. 103—An act to incorporate the Wardens and Vestry of Grace Church in Cincinnati;

H. No. 65—An act to lay out and establish a State road in the counties of Holmes, Knox and Marion;

Ordered that the titles be as aforesaid, and that the House be informed thereof.

The following bill was read the third time:

S. No. 22—An act for the punishment of certain crimes and misdemeanors.

The question occurring on the passage of the bill,

Mr. Hazeltine moved that the bill be indefinitely postponed; on which motion,

Mr. Root demanded the yeas and nays; which being ordered, were—yeas 10, nays 26, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ream, Spangler, Taylor and Walton—10.

Nays—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—26.

So the Senate refused to postpone indefinitely.

Mr. Walton offered the following as an additional section to the bill:

Sec. — That if the State shall fail in any prosecution under this act, the prosecuting witness shall pay all costs of such prosecution.

On agreeing to this amendment,

Mr. Walton demanded the yeas and nays; which being ordered, were—yeas 10, nays 25, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ream, Spangler, Taylor and Walton—10.

Nays—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Ford, Foos, Godman, Harris, Henderson, Holmes, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

So the amendment was rejected.

Mr. Taylor offered the following as an additional section to the bill:

Sec. — Any person who shall commence a prosecution under the provisions of this act, and shall fail to procure a conviction, shall be deemed and taken to be guilty of a malicious prosecution, and, upon

conviction thereof, shall be imprisoned in the Penitentiary not more than seven years, nor less than one year.

Mr. Bartley moved to amend Mr. Taylor's amendment as follows:

Insert, after the word act, in the third section, the words, "or of any criminal laws of this State."

On this motion, the yeas and nays were called, and were—yeas 7, nays 28, as follows, to wit:

Yeas—Messrs. Bartley, Godman, Holmes, Robbins, Root, Sill, and Thomas—7.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Ford, Foos, Goodin, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Spangler, Stanton, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—28.

So the amendment to the amendment was disagreed to.

The question then recurring on agreeing to the amendment offered by Mr. Taylor,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 3, nays 33, as follows, to wit:

Yeas—Messrs. Goodin, Hazeltine and Taylor—3.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—33.

So the amendment was rejected.

The question then recurring on the passage of the bill,

The yeas and nays were demanded; which being ordered, were—yeas 26, nays 10, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—26.

Nays—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ream, Spangler, Taylor and Walton—10.

So the bill passed.

The question occurring on agreeing to the title of the bill,

Mr. Taylor moved that the title be so amended as to read as follows, to wit:

"A bill to manufacture crimes."

On agreeing to this amendment, the yeas and nays were called; and were—yeas 8, nays 28, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Mitchell, Ream, Spangler, Taylor and Walton—8.

Nays—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Speaker—28.

So the amendment was disagreed to.

Ordered that the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives,

Mr. Speaker:

The following bills have been read a third time and passed, in which the concurrence of the Senate is requested:

H. No. 40—An act to repeal the act to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church in the Diocese of Ohio;

H. No. 87—An act to authorize the fund commissioners of Hamilton county to purchase certain real estate.

The following bills of the Senate have been read a third time and passed, viz:

S. No. 28—An act to revive the third section of the act entitled "an act to amend the act entitled 'an act to regulate the fees of officers in civil and criminal cases;'"

S. No. 65—An act to amend "an act to provide for the election and resignation of justices of the peace," passed January 31, 1831;

S. No. 69—An act to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county;

S. No. 70—An act to authorize the executor of the estate of Robert McConnell to convey certain lots in the town of McConnellsville, and for other purposes;

S. No. 71—An act to incorporate the St. Xavier College;

S. No. 74—An act to lay out and establish a State road in the counties of Williams and Lucas;

S. No. 80—An act to lay out and establish a graded State road in the counties of Morgan and Muskingum.

The House have passed with amendments the following bills of the Senate:

S. No. 36—An act to amend the act to abolish imprisonment for debt, and the act amendatory thereto, was indefinitely postponed;

S. No. 40—An act to amend the act entitled "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831;

S. No. 61—An act to vacate part of a State road running from the south east corner of Trumbull county, to New Portago on the Ohio canal, commonly called the county line road.

The House has indefinitely postponed Senate bill No. 34, to amend the act entitled "an act to authorize Peter Bebee, and his associates, to erect a toll bridge over Federal creek, in the county of Athens."

Attest:

GID. M. AYRES, *Clerk*.

The bills of the House were read the first time.

Senate bill No. 40, together with House amendments thereto, was referred to the standing committee on the Judiciary.

The Senate concurred in the House amendments to Senate bill No. 61.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time and passed, in which the concurrence of the Senate is requested:

H. No. 84; An act to provide for the revaluation of section twenty nine in Union township, Butler county;

H. No. 93; An act to vacate a certain State road in Delaware county;

H. No. 125; An act to incorporate the First Presbyterian Church, of Piqua, in the county of Miami;

H. No. 128; An act to amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 13, 1833, and the act amendatory thereto, passed March 7, 1837;

H. No. 133; An act for the relief of Jacob Darnier.

The following bills of the Senate have been read a third time and passed:

S. No. 93; An act to incorporate the trustees of the Wesley Chapel of the Methodist Episcopal Church, at Chagrin Falls, in the county of Cuyahoga;

S. No. 94; An act to extend the provisions of the act entitled "an act providing for the appointment of commissioners of sewers in certain counties in this state," passed March 26, A. D., 1841, to the counties of Logan and Miami;

S. No. 98; An act to incorporate Engine Company, No 1, of Youngstown, in the county of Trumbull;

S. No. 99; An act to incorporate the First Regular Baptist Church, of Twinsburg; in Summit county;

S. No. 100; An act to incorporate the town of Albany, in the county of Athens;

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

Mr. McConnell moved that the Senate reconsider its vote on ordering to its third reading House bill No. 105, to amend an act entitled an act for the inspection of certain articles therein enumerated.

The Senate agreed to reconsider said vote.

On motion of Mr. Holmes,

The bill was referred to a select committee of one, and Mr. Holmes was appointed said committee.

On motion of Mr. Spangler,

The Senate took up Senate bill No. 37, to amend the "act to provide for the sale of lands forfeited to the state for the nonpayment of taxes," passed March 14, 1831.

The question occurring on agreeing to the House amendments thereto, they were severally considered and agreed to.

On motion of Mr. Hostetter,

The Senate took up Senate bill No. 84, to provide for the election of Directors of the Poor.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Nash gave notice that, on to-morrow, or some subsequent day of the session, he will ask leave to introduce a bill to incorporate the Bethany Regular Baptist Church of the county of Scioto.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Spangler in the chair, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bill without amendment.

S. No. 111; A bill to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto.

Recommitted to the standing committee on Corporations.

On motion of Mr. Godman,

The Senate took up the petition of 46 citizens of Tymochtee township, Crawford county, for the sale of school section 16 in said township.

On motion,

The petition was referred to the standing committee on Schools and School Lands.

On motion of Mr. Barnett,

The Senate again resolved itself into committee of the whole, Mr. Stanton in the chair, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bills, to wit:

S. No. 115; A bill for the relief of contractors on the Wabash and Erie canal, on the Miami Canal Extension, and for the completion of the same, without amendment.

Recommitted to the standing committee on Finance.

S. No. 116; A bill to incorporate the Western Reserve Free Will Baptist Education Society, at Chester, in the county of Geauga, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 117; A bill to incorporate the town of Dover, in the county of Tuscarawas, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 118; A bill to incorporate the Wardens and Vestry of Christ Church, in Warren, in the county of Trumbull, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 119; A bill to incorporate the Pine Grove Academy, in the town of Porter, and the county of Gallia, with one amendment.

Recommitted to the standing committee on Corporations.

S. No. 120; A bill to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the north west and south west, and south east, quarters of school section sixteen, in said township, in the county of Perry, without amendment.

The bill was laid upon the table.

S. No. 121; A bill to authorize the sale of the old meeting house belonging to the Methodist Episcopal Church, in the town of Eaton, Preble county, Ohio; without amendment.

Recommended to the standing committee on the Judiciary.

S. No. 122; A bill to authorize the surrender of the residue of section sixteen, in township seven, of range five, in Belmont county; with amendments.

The bill was laid upon the table.

Mr. Walton moved to reconsider the vote on ordering to its engrossment, Senate bill No. 97, to authorize the sale of school section number sixteen, in Amboy township, Lucas county.

On agreeing to the motion to reconsider,

Mr. Hazeltine demanded the yeas and nays, which, being ordered, were, yeas 20, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Crowell, Dewey, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, McConnell, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, and Walton—20.

Nays—Messrs. Barnett, Ford, Foos, Henderson, Mitchell, Nash, Perkins, Root, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Speaker—14.

So the Senate agreed to reconsider.

On motion of Hazeltine,

The bill was laid upon the table.

Mr. Aten gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate the St. John's Church, of Liverpool township, Columbiana county, Ohio.

Mr. Bartley moved a call of the Senate, which, being ordered, Messrs. Carpenter, Harris, and Sill were found absent.

The absent members having appeared in the Senate chamber, further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. Speaker:

The Hall of the House is now prepared to receive the Senate, and proceed to the election of certain officers.

Attest:

GID. M. AYRES, *Clerk.*

On motion of Mr. Spangler,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and, being seated within the bar of the House, both Houses proceeded, in pursuance of a joint resolution previously adopted for that purpose, to elect one Auditor of State.

The following was the declared result of the balloting:

For John Brough,.....	55 votes.
Blanks and scattering,.....	50 "

John Brough, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected Auditor of State for the constitutional term of three years from and after the 15th day of March, 1842.

The two Houses next proceeded, as aforesaid, to elect one state Librarian.

The following was the result of the balloting:

For Thomas Kennedy.....	53 votes.
" Zechariah Mills	50 "
" Blanks.....	2 "

Thomas Kennedy, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected State Librarian for the term of three years from and after this day.

The two Houses next proceeded, as aforesaid, to elect two associate judges for the county of Lucas.

The following was the result of the balloting:

For Francis L. Nichols.....	56 votes.
" Ahirah G. Hibbard.....	56 "
" Blanks and scattering.....	44 "

Francis L. Nichols and Ahirah G. Hibbard, having received a majority of all the votes given, were declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county of Lucas for the constitutional term of seven years each, from and after the 21st of June, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Madison.

The following was the result of the balloting:

For Jacob Gerard	55 votes.
" J. F. Chenoweth	32 "
" Blanks and scattering	6 "

Jacob Gerard, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Madison, for the constitutional term of seven years from and after the end of the present session of this General Assembly.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Muskingum.

The following was the result of the balloting:

For Jacob P. Springer	55 votes.
" Edwin Putnam	43 "
" Blanks.....	2 "

Jacob P. Springer, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both

Houses, duly elected an associate judge for the county of Muskingum for the constitutional term of seven years from and after the 13th day of February, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Miami.

The following was the result of the balloting:

For John Smeltzer.....	84 votes.
" Blank	12 "

John Smeltzer, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Miami, for the constitutional term of seven years from and after the 10th day of March, 1842.

The two Houses next proceeded, as aforesaid; to elect two associate judges for the county of Cuyahoga.

The following was the result of the balloting:

For Asher M. Coe	55 votes.
" Joseph Hayward*	50 "
" A. W. Walworth	32 "
" Leverett Johnson	32 "
" Blanks	7 "

Asher M. Coe, and Joseph Hayward having received a majority of all the votes given, were declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county of Cuyahoga, for the constitutional term of seven years, each, from and after this day.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Henry.

The following was the result of the balloting:

For Albert V. Stebbins	57 votes.
" Blanks and Scattering	27 "

Albert V. Stebbins, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Henry, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Williams.

The following was the result of the balloting:

For Jonathan B. Taylor	56 votes.
" Blanks and scattering	19 "

Jonathan B. Taylor, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Williams, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect two associate judges for the county of Warren.

The following was the result of the balloting:

For Daniel Crane	52 votes.
“ Richard Parcell.....	52 “
“ James Cowen	25 “
“ John Hart	25 “
“ Blanks.....	9 “

Daniel Crane and Richard Parcell, having received a majority of all the votes given, were declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county of Warren, for the constitutional term of seven years, each,

Daniel Crane, from February 21, 1842;

Richard Parcell, from March 10, 1842.

The members of the Senate then proceeded to the Senate chamber.

On motion of Mr. Taylor,

The Senate took up the special report of the Board of Public Works, in answer to a resolution of the Senate relative to the claim of Thomas White.

On motion of Mr. Taylor,

The report was referred to the standing committee on Claims.

On motion of Mr. Walton,

The Senate resolved itself into committee of the whole, Mr. Van Vorhes in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported back the following bills, to wit:

S. No. 123; A bill further to amend the act entitled, “an act regulating judgments and executions;” without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 124; A bill, proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and other regulations as to corporations generally; without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 125; A bill to incorporate the Providence Baptist Church, in the township of Clay, and the county of Gallia; with one amendment, which was agreed to.

Recommitted to the standing committee on Corporations.

S. No. 126; A bill to amend the act entitled, “an act to organize the judicial courts,” passed February 7, 1831; without amendment.

Recommitted to the standing committee on the judiciary.

On motion of Mr. Ford,

The Senate again resolved itself into committee of the whole, Mr. Waddle in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported the following bill:

S. No. 127; A bill to authorize the sale of school section number sixteen, in Brady township, Williams county; without amendment.

Recommitted to the standing committee on Schools and School Lands.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read a third time and passed, in which the concurrence of the Senate is requested:

H. No. 48; An act defining certain duties of clerks, sheriffs, and prosecuting attorneys;

H. No. 68; An act authorizing the commissioners of Cuyahoga county to assess additional taxes, for county purposes;

H. No. 72; An act further to amend the act entitled, "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816;

H. No. 123; An act to incorporate the Woodland Cemetery Association of Dayton;

H. No. 124; An act to incorporate the Montgomery Turnpike Company;

H. No. 130; An act to incorporate the Donnellsville Library Association, in the county of Clark;

H. No. 132; An act to incorporate the Dover Library Association, in the county of Cuyahoga.

The following bills of the Senate have been read a third time, and passed:

S. No. 21; An act to incorporate the Jackson Mill Company;

S. No. 38; An act to authorize the sale of certain school lands in Washington township, Marion county;

S. No. 75; An act to incorporate the First Congregation of Disciples at Fulton, Stark county;

S. No. 78; An act to incorporate the First Regular Baptist Church in Berlin, Erie county, Ohio;

S. No. 82; An act to incorporate the Wardens and Vestry of Trinity Church in Toledo, in the county of Lucas;

S. No. 86; An act to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens;

S. No. 95; An act to incorporate the First Free Will Baptist Society, in the township of Liberty, in the county of Licking;

S. No. 106; An act to amend the act entitled, "an act to incorporate the First Protestant Methodist Society in the township of Brooklyn, in the county of Cuyahoga," passed March 17, 1840;

S. No. 107; An act to amend the act entitled, "an act to incorporate the Protestant Methodist Academy, in the village of Brighton, in the county of Cuyahoga," passed March 17, 1840;

S. No. 113; An act to suspend the sixth section of the act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said sections affect the township of Monroe, in the county of Logan;

S. No. 114; An act to amend the act entitled, "an act granting licenses to pedlers."

The House has passed, with amendments, the following bills of the Senate:

S. No. 45—An act to authorize the sale of the public square in the town of Jacksonville, in the county of Adams, for the purposes therein named.

S. No. 103—An act to incorporate the Kaal a Kadesh Beni Jeshurun (Holy Congregation of children of Jeshurun,) of the city of Cincinnati.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

The House amendments to Senate bill 103, were agreed to.

The House amendments to Senate bill No. 45, were agreed to.

On motion of Mr. Holmes,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, FEBRUARY 10, 1842.

The Senate met pursuant to adjournment.

Mr. Wade presented a petition from citizens of Orwell township, in the county of Ashtabula, praying the incorporation of a Library and Reading Society; which was referred to a select committee of one, and Mr. Wade appointed that committee.

Mr. McConnell presented a petition from sundry citizens of Rosseau, in the county of Morgan, praying for an act of incorporation of said town; which was referred to a select committee of one, and Mr. McConnell appointed that committee.

Mr. Holmes presented a petition from 76 citizens of the county of Champaign, praying the legislature to examine into the condition of the Madriver and Lake Erie Railroad Company, and take such measures as to secure the interest of the State and individual stockholders; which was referred to the standing committee on Railroads and Turnpikes.

Mr. Thomas presented a petition from 48 citizens of Preble county, praying the passage of an act to postpone the election of members of Congress to the second Tuesday in October, 1843; so as to avoid the necessity of an extra session of the General Assembly.

Mr. Thomas moved that the petition be referred to a select committee of one.

Mr. Spangler moved to amend the motion by referring the petition to the standing committee on the Judiciary;

Upon which motion, Mr. Root demanded the yeas and nays; which being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Deway, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the motion to refer the petition to the standing committee on the Judiciary prevailed.

Mr. Carpenter presented a petition from 54 males and 70 females, citizens of Mount Pleasant, Jefferson county, Ohio, praying the repeal of all laws of the state of Ohio which make distinctions on account of color, and, also, that the right of trial by jury may be extended to all persons who may be claimed as fugitives from slavery; which was referred to the standing committee on the Judiciary.

Mr. Carpenter also presented a petition from 61 males and 66 females, citizens of Mount Pleasant, Jefferson county, praying the passage of a law giving the colored population of the state a just share of the school tax; which was laid on the table.

Mr. Carpenter also presented a petition from 45 legal voters of Mount Pleasant, in the county of Jefferson, Ohio, praying the repeal of all laws imposing a fine for the nonperformance of military duty, when the same infringes the liberty of conscience; which was referred to the standing committee on the Judiciary.

Mr. Van Vorhes presented a petition from citizens of Athens county, praying for a state road from the Ohio river, opposite Parkersburg, Va., to Chillicothe; which was referred to a select committee of one, and Mr. Van Vorhes appointed that committee.

Mr. Van Vorhes presented the annual report of the President of the Ohio University, and catalogue for 1841; which were laid on the table.

[See Vol. Pub. Doc., No. 62.]

Mr. Taylor, from the standing committee on the Currency, to which was recommitted the bill, Senate No. 42, to provide for the resumption and continuance of specie payments by the banks of this state, and the House amendments thereto, reported the same back, with amendments.

The bill and amendments were laid on the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 40, to amend the act entitled, "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831, and House amendments thereto, reported the same back with amendments; and the bill and amendments were laid on the table.

23—S. J.

Mr. Latham, from the minority of the standing committee on the Currency, reported an amendment to Senate bill No. 42, to provide for the resumption and continuance of specie payments by the banks of this state; which was laid upon the table.

Mr. Hazeltine, from the standing committee on New Counties, to which was recommitted Senate bill No. 9, to confirm and establish the seat of justice for Lucas county, and the report of the Judiciary committee thereon, made the following report:

The standing committee on New Counties, to which was recommitted the bill to establish and permanently locate the seat of justice for Lucas county, and also the report of the standing committee on the Judiciary on the same subject, report—

That viewing the subject in the various aspects in which it presents itself to your committee, and with a full knowledge of the past action of the Senate upon this question, in the different forms in which it has been submitted to their consideration, and believing, from the repeated but fruitless efforts of this body to settle this vexed question, by a direct vote upon the merits of the conflicting interests involved, that resort must finally be had to some other or different means, by which the entire interest and welfare of the county and citizens thereof may be fully canvassed and represented: your committee, we say, in view of the foregoing facts, are unanimous in the opinion, that, in no way can the settlement of this question be accomplished with more justice and satisfaction to all parties interested, than by the appointment of special commissioners, whose duty it will be to examine, and impartially decide, according to law as to the most eligible or suitable location for the seat of justice for the county of Lucas, aforesaid.

Your committee do, therefore, recommend the adoption of the following amendment to the bill.

On motion of Mr. Clark,

The bill and reports were laid upon the table.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill (Senate, No. 119) to incorporate the Pine Grove Academy in the town of Porter, and the county of Gallia, reported the same back without amendment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted the bill (House, No. 114) to provide for the improvement and repair of a certain county road in Hamilton county, reported the same back without amendment.

Ordered to its third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which was referred the bill (Senate, No. 125) to incorporate the Providence Baptist Church, in the township of Clay, in the county of Gallia, reported the same back with one amendment; which was agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill (Senate, No. 118) to incorporate the Wardens and Vestry of Christ Church, in Warren, in the county of Trumbull, reported the same back without amendment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted the bill (Senate, No. 117) to incorporate the town of Dover, in the county of Tuscatawas, reported the same back without amendment.

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted the bill (Senate, No. 111) to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto, reported the same back without amendment.

On motion,

The bill was referred to the standing committee on Roads and Highways.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted the bill (House, No. 2) to authorize the sale of school section number sixteen, in Greencreek township, in the county of Sandusky, reported the same back with one amendment.

The question occurring on ordering the bill to its third reading,

Mr. Nash demanded the yeas and nays; which, being ordered, were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Godman, Goodia, Harris, Hazeltine, Hostetter, Leonard, Ream, Ritchey, Robbins, Sill, Taylor, Van Vorhes and Speaker—17.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Henderson, Holmes, Mitchell, McConnell, Nash, Perkins, Root, Spangler, Stanton, Thomas, Wade, Waddle and Walton—17.

So the Senate refused to order the bill to its third reading.

Mr. Wade, from the select committee on that subject, introduced a bill (Senate, No. 135) to incorporate the Orwell Library and Reading Society, of Orwell, Ashtabula county; which was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 133; A bill to incorporate the Wardens and Vestrymen of St. Steven's Church, of Liverpool, in the county of Columbiana;

S. No. 134; A bill to prohibit tavern keepers, and others, from selling spirituous liquors to minors;

H. No. 40; A bill to repeal the act to amend the "act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the Diocese of Ohio;

H. No. 84; A bill to provide for the revaluation of section twenty nine, in Union township, Butler county;

H. No. 87; A bill to authorize the Fund Commissioners of Hamilton county, to purchase certain real estate;

H. No. 93; A bill to vacate a certain state road in Delaware county;

H. No. 125; A bill to incorporate the First Presbyterian Church of Piqua, in the county of Miami;

H. No. 128; A bill to amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike company," passed February 19, 1833, and the acts amendatory thereto, passed March 7, 1837;

H. No. 133; A bill for the relief of Jacob Dagner;

H. No. 48; A bill defining certain duties of clerks, sheriffs, and prosecuting attorneys;

H. No. 68; A bill authorizing the commissioners of Cuyahoga county, to assess additional taxes for county purposes;

H. No. 72; A bill further to amend the act entitled "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816;

H. No. 123, A bill to incorporate the Woodland Cemetery Association of Dayton;

H. No. 124; A bill to incorporate the Montgomery Turnpike company;

H. No. 130; A bill to incorporate the Donnelville Library Association, in the county of Clark;

H. No. 132; A bill to incorporate the Dover Library Association, in the county of Cuyahoga.

The following bills were read the third time and passed:

S. No. 84; An act to provide for the election of directors of the poor;

H. No. 118; An act to lay out and establish a state road in the counties of Delaware and Knox;

S. No. 72; An act to incorporate the town of Jamestown, in the county of Greene;

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

The following bill was read the third time:

S. No. 47; An act to incorporate the Toledo Commercial Company, at Toledo, in the county of Lucas.

The question occurring on the passage of the bill,

Mr. Clark offered an amendment to the bill, by way of rider; which was agreed to:

On the passage of the bill,

Mr. Root demanded the yeas and nays, which being ordered, were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Crowell, Foss, Godman, Harris, Hazeltine, Nash. Ream, Ritchey, and Thomas—12.

Nays—Messrs. Aten, Ford, Henderson, Holmes, Hostetter, Leonard, Mitchell, McConnell, Perkins, Robbins, Root, Sill, Spangler, Stanton, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—20.

So the bill did not pass.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been presented to the House, and read a first time, to wit:

H. No. 223—A bill to incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit.

H. No. 224—A bill further to amend an act entitled "an act to incorporate the city of Ohio."

H. No. 225—A bill to amend an act entitled "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841.

H. No. 226—A bill to incorporate the Little York and Fredericktown Turnpike Company.

H. No. 227—A bill to provide for the permanent location of the seat of justice for the county of Meigs.

H. No. 228—A bill to repeal a part of the thirty fifth section of an act entitled "an act to provide for the protection of the canals of the State of Ohio, the regulation of the navigation thereof, and for the collection of tolls."

The House has, also, passed the following resolution of the Senate, with amendment, in which the concurrence of the Senate is requested:

Resolution relative to furnishing copies of Ohio reports to certain counties.

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution, in relation to, printing laws, in relation to holding courts.

Attest:

GID. M. AYRES, *Clerk.*

The House amendments to the Senate resolution, providing for furnishing certain counties with copies of the Ohio reports, and the resolution were

Referred to the standing committee on the Judiciary.

The House resolution, providing for printing laws, in relation to holding courts, was

Laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The House of Representatives have agreed to the report of the committee of Conference, on the part of the House, in relation to the difference between the two Houses, in relation to Senate bill No. 27; and insist upon their amendments, and ask a further committee of Conference.

Attest:

GID. M. AYRES, *Clerk.*

The Senate acceded to the request of the House, and Messrs. Bartley and Leonard were appointed a committee on the part of the Senate, further to confer with a committee of the House, in relation to Senate bill No. 27.

Mr. Leonard offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly will adjourn on Monday, the 28th, instant, to meet again on Monday, the 13th of June, 1842.

Several amendments being suggested to the resolution,

Mr. Bartley moved that the resolution and pending amendments be referred to a select committee of five; and on this motion,

The yeas and nays being demanded; they were ordered, and were, yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Dewey, Goodin, Harris, Hostetter, Mitchell, McConnell, Ream, Ritchey, Root, Spangler, Taylor, Thomas, Van Vorhes, and Walton—18.

Nays—Messrs. Clark, Ford, Foos, Godman, Hazeltine, Henderson, Holmes, Latham, Leonard, Nash, Perkins, Robbins, Sill, Stanton, Wade Waddle and Speaker—17.

So the resolution and pending amendments were referred to a select committee of five, and Messrs. Bartley, Spangler, Perkins, Henderson, and Holmes, were appointed said committee.

Mr. Goodin offered a resolution in relation to the printing of the laws fixing the times of holding the Supreme Court, and Courts of Common Pleas, for 1842; which was

Laid upon the table.

On motion of Mr. Van Vorhes,

The Senate took up the special report of the Board of Public Works, in relation to the duties on salt.

On motion of Mr. Van Vorhes,

The report was referred to the select committee heretofore appointed on that subject.

On motion of Mr. Leonard,

The Senate reconsidered its vote, on ordering to its third reading, House bill No. 85, to incorporate the Grand Lodge of Ohio.

On motion of Mr. Leonard,

The bill was then referred to the standing committee on Corporations.

On motion of Mr. Crowell, it was

Resolved, That the Judiciary committee be instructed to inquire what amendments, if any, are necessary, to the act abolishing imprisonment for debt, and the act amendatory thereto.

Mr. Bartley, on leave, presented a petition from upwards of three hundred citizens of Richland county, praying the repeal of the act incorporating the Oberlin College, at Oberlin, Ohio.

Mr. Holmes moved a call of the Senate; which being ordered, Messrs. Aten, Carpenter, Clark, Crowell, Nash, and Stanton, were found absent.

On motion of Mr. Mitchell,
Mr. Aten was excused.

On motion of Mr. Hazeltine,
Further proceedings, under the call, were dispensed with.

The question occurring on the motion of Mr. Bartley, to refer the petition in relation to the Oberlin College to the standing committee on Corporations, with instructions to report a bill repealing the charter of said College,

Mr. Thomas called for a division of the question; which being ordered, it turned on referring the petition to the standing committee on Corporations; and the reference was agreed to.

The question then occurring on the instructions,

Mr. Wade demanded the yeas and nays; which being ordered, were, yeas 14, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—14.

Nays—Messrs. Barnett, Dewey, Ford, Foos, Harris, Henderson, Hostetter, Latham, Leonard, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the instructions were disagreed to.

On motion of Mr. Waddle,

The Senate took up House bill No. 27, to incorporate Trustees of Central College of Ohio.

On motion of Mr. Waddle,

The bill was referred to a select committee of one, and Mr. Waddle appointed that committee.

On motion of Mr. Thomas,

The Senate resolved itself into committee of the whole, on the orders of the day, Mr. Wade in the chair, and after the consideration thereof, the committee rose and reported back the following bills without amendment:

H. No. 40; A bill to repeal the act to "amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the diocese of Ohio.

Recommitted to the standing committee on Corporations.

H. No. 84, A bill to provide for the revaluation of section twenty nine, in Union township, Butler county.

Recommitted to the standing committee on the Judiciary.

H. No. 87; A bill to authorize the Fund Commissioners of Hamilton county, to purchase certain real estate.

Recommitted to the standing committee on the Judiciary.

H. No. 93; A bill to vacate a certain state road in Delaware county.

Recommitted to a select committee of one, and Mr. Godman appointed that committee.

H. No. 125; A bill to incorporate the First Presbyterian Church of Piqua, in the county of Miami.

Recommitted to the standing committee on Corporations.

H. No. 128; A bill to amend the act entitled, "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1833, and the act amendatory thereto, passed March 7, 1837.

Recommitted to the standing committee on Railroads and Turnpikes.

H. No. 133; A bill for the relief of Jacob Darnier.

Recommitted to the standing committee on the Judiciary.

H. No. 48; A bill defining certain duties of clerks, sheriffs, and prosecuting attorneys.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate again resolved itself into committee of the whole, Mr. Walton in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported the following bills:

H. No. 68; A bill authorizing the commissioners of Cuyahoga county, to assess additional taxes for county purposes.

Recommitted to the standing committee on Finance.

H. No. 72; A bill further to amend the act entitled, "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816.

Recommitted to the standing committee on the Judiciary.

H. No. 123; A bill to incorporate the Woodland Cemetery Association of Dayton; with one amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Bartley,

The Senate took up bill No. 76, to regulate banking in Ohio.

Mr. Walton offered several amendments to the bill, which were agreed to, and

The bill was then laid upon the table.

On motion of Mr. Godman,

The Senate took up Senate bill No. 59, to amend the act entitled, "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839.

The question occurring on striking out the third section of the bill,

Mr. Bartley moved a call of the Senate, which being ordered, Messrs. Clark, Ford, Foos, Root, and Stanton were found absent.

On motion of Mr. Leonard,

Further proceedings under the call were dispensed with.

The question then recurring on striking out the third section of Senate bill No. 59, the yeas and nays were demanded, and, being ordered, were, yeas 13, nays 21, as follows, to wit:

Yeas—Messrs. Goodin, Henderson, Mitchell, Nash, Perkins, Ream, Root, Sill, Stanton, Thomas, Van Vorhes, Waddle, and Speaker—13.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Hazeltine, Holmes, Hostetter, Leonard, McConnell, Ritchey, Robbins, Spangler, Taylor, Wade, and Walton—21.

On motion of Mr. Hazeltine,

The bill and pending amendments were referred to the standing committee on Corporations.

Mr. Thomas moved that the Senate adjourn; on which motion, Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Harris, Hazeltine, Henderson, Holmes, Hostetter, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Spangler, Thomas, Van Vorhes, Waddle, and Speaker—23.

Nays—Messrs. Aten, Bartley, Dewey, Goodin, Root, Stanton, Taylor, Wade, and Walton—9.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

FRIDAY, FEBRUARY 11, 1842.

The Senate met pursuant to adjournment.

Mr. McConnell presented a petition from the trustees of the sixth original surveyed township, range nine, of Morgan county, praying for the passage of a law to dispense with trustees and a treasurer of said county; which was referred to the standing committee on Schools and School Lands.

Mr. Crowell presented a petition from sundry citizens of Trumbull county, praying the passage of a law taxing dogs; which was referred to the standing committee on Agriculture, Commerce, and Manufactures.

Mr. Foos presented a petition from 94 citizens of Clinton county, praying the passage of a general stay law, to stay the collection of debts for two years; also, that personal property shall not be sold in execution without being appraised, and requiring the same to bring two thirds of the appraised value; and, also, for an investigation into the Goshen, Wilmington, and Columbus Turnpike Company; which was referred to the standing committee on the Judiciary.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill, House No. 125, to incorporate the First Presbyterian Church of Piqua, in the county of Miami, reported the same back without amendment, and recommended that it be read the third time.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted the bill, Senate No. 109, to quiet land titles in the

Virginia military district north west of the Ohio River, reported the same back without amendment.

On motion of Mr. Foos,

The bill was recommitted to a select committee of three, and Messrs. Foos, Robbins, and Stanton appointed that committee.

Mr. Ritchey, from the standing committee on New Counties, to which was referred the petitions of sundry citizens of Franklin township, Summit county, praying to be set back to Stark county, to which they originally belonged, made the following report:

The standing committee on New Counties, to whom was referred the petitions of sundry citizens of Franklin township, Summit county, praying to be set back to Stark county, to which they originally belonged, report:

That due notice of the intention of an application to this Legislature for such alteration, has not been given in the counties from which territory was sought to be taken. Your committee ask to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which the petitions on that subject were referred, reported the following bill, which was read the first time.

S. No. 136; A bill to regulate tolls on the several turnpike roads in this state.

Mr. Ford, from the same committee to which was referred the petitions on that subject, reported the following bill, which was read the first time:

S. No. 137; A bill to amend the act entitled, "an act to revive and amend an act entitled, an act to incorporate the Circleville and Washington Turnpike Company," passed March 5, 1837.

Mr. Van Vorhes, from the standing committee on Railroads and Turnpikes, to which was referred the petitions on that subject, reported the following bill, which was read the first time:

S. No. 138; A bill to amend an act entitled, "an act to amend an act entitled, an act to amend an act entitled, an act to incorporate the Toledo and Sandusky Railroad Company."

Mr. McConnell, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 139; A bill to incorporate the town of Rosseau, in the county of Morgan.

Mr. Bartley, from the select committee, to which was referred the resolution relative to the adjournment of the present session of this General Assembly, reported the following resolution:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly shall adjourn on Monday the 7th day of March, 1842, to meet again on Monday the 30th day of May next.

Mr. Stanton moved to strike out the 7th day of March and insert the

28th day of February; and, on his motion, demanded the yeas and nays, which, being ordered, were, yeas 15, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Crowell, Dewey, Ford, Godman, Henderson, Leonard, Ream, Root, Sill, Stanton, Taylor, Thomas, Wade and Waddle—15.

Nays—Messrs. Barnett, Bartley, Clark, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Nash, Perkins, Ritchey, Robbins, Spangler, Van Vorhes, Walton and Speaker—20.

So the amendment was not agreed to.

Mr. Thomas moved to strike out "30th day of May," and insert the "13th day of June."

Mr. Bartley called for a division of the question, and it turning on striking out, the yeas and nays were demanded, and, being ordered, were, yeas 19, nays 24, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Ford, Godman, Nash, Root, Thomas, Van Vorhes, Wade, Waddle and Speaker—12.

Nays—Messrs. Aten, Bartley, Clark, Dewey, Foos, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Stanton, Taylor and Walton—24.

So the Senate refused to strike out.

Mr. Hazeltine moved to recommit the resolution to a select committee of three with instructions to strike out "30th of May," and insert the "11th day of July."

Mr. Bartley called for a division of the question, and it turning on recommitting,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 10, nays 26, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Hazeltine, Nash, Thomas, Van Vorhes, Wade, Waddle and Walton—10.

Nays—Messrs. Aten, Bartley, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor and Speaker—26.

So the Senate refused to strike out.

Mr. Taylor demanded the previous question, and the question occurring on sustaining the call,

Mr. Root demanded the yeas and nays, which, being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos,

Godman, Henderson, Leonard, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

So the Senate refused to sustain the call.

Mr. Thomas moved to strike out the latter clause of the resolution which provides for the reassembling of the General Assembly; on which motion the yeas and nays were demanded, and being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the Senate refused to strike out.

The question then recurring on agreeing to the resolution,

The yeas and nays were demanded, and being ordered, were, yeas 27, nays 8, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Dewey, Ford, Foss, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Waddle, Walton and Speaker—27.

Nays—Messrs. Barnett, Carpenter, Crowell, Nash, Root, Thomas, Van Vorhes and Wade—8.

So the resolution was adopted.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 135; A bill to incorporate the Orwell Library and Reading Society of Orwell, Ashtabula county.

The following bills were read the third time and passed:

S. No. 117; An act to incorporate the town of Dover, in the county of Tuscarawas;

S. No. 118; An act to incorporate the Wardens and Vestry of Christ Church, in Warren, in the county of Trumbull;

S. No. 119; An act to incorporate the Pine Grove Academy, in the town of Porter, and the county of Gallia;

S. No. 125; An act to incorporate the Providence Baptist Church, in the township of Clay, and the county of Gallia;

Ordered that the titles be as aforesaid, and that the House be informed thereof.

The following bill was read the third time, and recommitted to a select committee of one, and Mr. Holmes appointed that committee:

H. No. 114; An act to provide for the improvement and repair of a certain county road in Hamilton county.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 229; A bill to provide for the management of the Public Debt, and to preserve the credit of the state;

H. No. 230; A bill to amend "an act to provide for the safe keeping of idiots, lunatics or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838;

H. No. 231; A bill to settle the claim of James Taylor, jun.

H. No. 232; A bill to authorize the Governor to make a deed of certain land to Nicholas Herron;

H. No. 233; A bill to amend the act entitled "an act to prevent injury by dogs," passed December 24, 1814:

Attest:

GID. M. AYRES, *Clerk*

Message from the House of Representatives.

Mr. Speaker:

The following bill has been read a third time and passed, in which the concurrence of the Senate is requested;

H. No. 79; An act to amend the act to incorporate the Ohio Life Insurance and Trust Company.

The following bill of the Senate has been read a third time and passed:

S. No. 89; An act to lay out and establish a State road in the counties of Fayette, Madison, Pickaway and Franklin.

The House has passed the following bills of the Senate with amendment, to which the concurrence of the Senate is requested:

S. No. 51; An act to confer the exclusive authority of changing the names of persons upon the court of common pleas;

S. No. 90; An act to incorporate the Seneca Railroad Company.

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Resolution relative to the admission of Lucy Swift into the Asylum for the Deaf and Dumb.

The House has agreed to the amendments of the Senate to the following bills, viz:

H. No. 66; An act to incorporate the Union Library Association, of Richmond, in the county of Ashtabula;

H. No. 100; An act to incorporate the Hook and Ladder Company, of Hudson, in the county of Summit;

H. No. 113; An act to incorporate the Rector, Church Wardens and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum;

H. No. 119; An act to incorporate the town of Pleasant Valley, in the county of Madison.

The House has disagreed to the second amendment of the Senate to House bill No. 65, and the first amendment to House bill No. 121.

Attest:

GID. M. AYRES, *Clerk*

The bill of the House was read the first time.

Senate bill No. 51, with House amendments thereto, was referred to the standing committee on the Judiciary.

Senate bill No. 90, with House amendments thereto, was referred to the standing committee on Railroads and Turnpikes.

House resolution relative to the admission of Lucy Swift into the Asylum for the Deaf and Dumb, was referred to the standing committee on Public Institutions.

The Senate insisted upon its second amendment to House bill No. 65.

Mr. Dewey moved that the Senate recede from its first amendment to House bill No. 121; and on his motion demanded the yeas and nays, which, being ordered, were, yeas 20, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Crowell, Dewey, Foos, Goodin, Harris, Hazeltine, Henderson, Latham, Leonard, McConnell, Perkins, Ream, Robbins, Spangler, Stanton, Taylor and Walton—20.

Nays—Messrs. Aten, Carpenter, Ford, Godman, Holmes, Hostetter, Mitchell, Nash, Ritchey, Root, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—16.

So the Senate consented to recede from its first amendment to House bill No. 121.

Mr. Hazeltine offered for adoption a resolution, providing for the future meetings of the Senate at 9, A. M., and half past two, P. M.

Mr. Thomas moved to lay the resolution on the table; on which motion,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Carpenter, Clark, Crowell, Dewey, Ford, Godman, Harris, Henderson, Latham, Nash, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—19.

Nays—Messrs. Aten, Barnett, Bartley, Foos, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler and Walton—17.

So the resolution was laid upon the table.

Mr. Thomas moved that the Senate take a recess; on which motion,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 23, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Hostetter, Latham, Leonard, McConnell, Nash, Robbins, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade and Waddle—23.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Mitchell, Perkins, Ream, Ritchey, Root, Taylor, Walton and Speaker—13.

So the Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Van Vorhes, from the select committee on that subject, on leave, introduced the following bill, which was read the first time:

S. No. 140—A bill to lay out and establish a graded state road, from the Ohio river, opposite Parkersburgh, Va., to Chillicothe, in the county of Ross.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Aten in the chair, on the orders of the day; and after the consideration thereof, the committee rose and reported the following bills:

S. No. 128; A bill to revive the act to incorporate the Columbus, Delaware, Marion, and Upper Sandusky Railroad Company, passed February 29, 1836, without amendment.

Recommitted to the standing committee on Railroads and Turnpikes.

S. No. 129; A bill in addition to an act to provide for the sale of lands granted by Congress for the use of schools within the Virginia Military district, and to authorize the lessees of said lands to surrender their leases, and to receive certificates of purchase, without amendment.

Recommitted to the standing committee on Schools and School Lands.

S. No. 131; A bill to incorporate the Third New Jerusalem Society of Cincinnati, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 132; A bill to extend to the county of Geauga a part of the provisions of "an act to provide for the collection and payment of costs in prosecutions for minor offences in the county of Cuyahoga," passed March 20, 1841, without amendment.

Recommitted to the standing committee on the Judiciary.

S. No. 133; A bill to incorporate the Wardens and Vestrymen of St. Steven's Church, Liverpool, in the county of Columbiana, without amendment.

Recommitted to the standing committee on Corporations.

S. No. 134; A bill to prohibit tavern keepers, and others, from selling spirituous liquors, without amendment.

Mr. Taylor moved that the bill be indefinitely postponed; on which motion,

Mr. Nash demanded the yeas and nays, which being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, Ream, Ritchey, Root, Spangler, Taylor, Walton and Speaker—16.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, McConnell, Nash, Perkins, Robbins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—19.

So the Senate refused to indefinitely postpone.

On motion, the bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Bartley,

The Senate took up the report of the standing committee on New Counties, in relation to the county seat of Lucas county.

Mr. Bartley offered an amendment to the report.

On motion of Mr. Clark,

The report and pending amendment were laid upon the table.

The Speaker presented to the Senate a communication from the Auditor of State, relative to depreciated bank paper, the literary fund, and drafts to turnpike companies.

[See Vol. Pub. Doc. No. 64.]

On motion of Mr. Walton,

The report was laid upon the table.

On motion of Mr. Walton,

The Senate took up Senate bill No. 76, to regulate banking in Ohio.

Mr. Walton offered several amendments to the bill; which were agreed to.

On motion of Mr. Taylor,

The bill was then laid upon the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill 124, proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and other regulations as to corporations, generally, reported the same back, with sundry amendments.

Mr. Thomas moved that the bill and amendments be laid upon the table, and the amendments ordered to be printed; on which motion,

Mr. Bartley demanded the yeas and nays; which, being ordered, were, yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Speaker—18.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—17.

So the bill was laid upon the table, and the amendments ordered to be printed.

On motion of Mr. Henderson,

The Senate again resolved itself into committee of the whole, Mr. Bartley in the chair, on the orders of the day; and after the consideration thereof, the committee rose and reported back the following bill, to wit:

H. No. 124; A bill to incorporate the Montgomery Turnpike Company, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 130; A bill to incorporate the Donnelsville Literary Association, in the county of Clark, without amendment.

Recommitted to the standing committee on Corporations.

H. No. 132; A bill to incorporate the Dover Library Association, in the county of Cuyahoga, without amendment.

Recommitted to the standing committee on Corporations.

On motion of Mr. Dewey,

The Senate took up Senate bill 122, to authorize the surrender of the residue of section sixteen, in township seven, of range five, in Belmont county.

On motion of Mr. Dewey,

The bill was referred to a select committee of one, and Mr. Dewey appointed that committee.

On motion of Mr. Crowell,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

SATURDAY, FEBRUARY 12, 1842.

The Senate met pursuant to adjournment.

The Speaker presented to the Senate a communication from citizens of Illinois, relative to the national defences, and requesting an expression of opinion by the Ohio legislature, on the plan proposed in the communication.

On motion of Mr. Walton,

The communication was laid upon the table.

Mr. Clark presented a petition from Wood and Sandusky counties, praying that those who reside on the Western Reserve and Maumee Road, may commute by the year or quarter, for tolls on said road; which was referred to the standing committee on Railroads and Turnpikes.

Mr. Carpenter presented a communication from James W. Stewart, praying the legislature to make the same provision by law, for proving the accounts of persons of color, as is made in cases of white persons; which was referred to the standing committee on the Judiciary.

Mr. Carpenter presented a petition from twenty citizens of Stark county, praying the legislature to repeal all laws "which throw legal or political disabilities in the way of our colored neighbors;" which was referred to the standing committee on the Judiciary.

Mr. Carpenter presented a petition from sundry males and females of Mt. Pleasant, Jefferson county, praying the legislature to pass resolutions declaring that Congress has the constitutional power to abolish slavery in the District of Columbia, and the territories of the United States, and that Congress should exercise this power; and that no new state should be admitted into this confederacy, whose constitution tolerates slavery; which was laid upon the table.

Mr. Stanton presented the petition of John Gwynne, praying an amendment to the school laws; which was referred to the standing committee on Schools and School Lands.

Mr. Root, from the standing committee on Public Institutions, to which was referred the House resolution, relative to the admission of Lucy Swift into the Asylum for the Deaf and Dumb, reported the same back, and recommended its passage; which was agreed to.

Mr. Ford, from the standing committee on Railroads and Turn-pikes, to which was recommitted Senate bill, No. 90, to incorporate the Seneca Railroad Company, and the House amendment thereto, reported the same back and recommended that the Senate concur in the amendment of the House; which was agreed to.

Mr. Ford, from the same committee, to which was recommitted Senate bill, No. 128, to revive the act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company, passed February 29th, 1836, reported the same back with sundry amendments; which were agreed to.

Mr. Bartley offered an amendment to the bill.

On motion of Mr. Godman,

The bill and pending amendments were laid upon the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which the subject had been referred, reported the following bill; which was read the first time.

S. No. 141; A bill to amend the act entitled, an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7th, 1838.

Mr. Spangler, from the standing committee on Finance, to which was recommitted Senate bill, No. 115, for the relief of contractors on the Wabash and Erie Canal, on the Miami Canal Extension, and for the completion of the same, reported the same back with sundry amendments; which were agreed to.

Mr. Waddle offered sundry amendments to the bill.

On motion of Mr. Hazeltine,

The bill and pending amendments were laid upon the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill, No. 80, for the relief of Robert Willet, reported the same back without amendment.

On motion of Mr. Hostetter,

The bill was recommitted to a select committee of one, and Mr. Hostetter appointed that committee.

Mr. Taylor, from the standing committee on the Currency, to which was recommitted House bill, No. 21, to amend the act entitled, "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824, reported the same back without amendment.

On motion of Mr. Taylor,

The bill was laid upon the table.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill, No. 124, to incorporate the Montgomery Turnpike Company, reported the same back with one amendment, which was agreed to, and the bill

Ordered to its third reading on Monday next.

Mr. Holmes, from the same committee, to which was recommitted House bill, No. 132, to incorporate the Dover Library Association, in the county of Cuyahoga, reported the same back without amendment, and the bill was,

Ordered to its third reading on Monday next.

Mr. Holmes, from the same committee, to which was recommitted House bill, No. 130, to incorporate the Donnelsville Library Association, in the county of Clark, reported the same back without amendment, and the bill was,

Ordered to its third reading on Monday next.

Mr. Holmes, from the same committee, to which was recommitted Senate bill, No. 131, to incorporate the Third New Jerusalem Society of Cincinnati, reported the same back without amendment, and the bill was,

Ordered to be engrossed for its third reading on Monday next.

Mr. Sill, from the standing committee on Roads and Highways, to which was recommitted Senate bill, No. 111, to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force, in relation thereto, reported the same back without amendment, and the bill was,

Ordered to be engrossed for its third reading on Monday next.

Mr. Ritchey, from the standing committee on New Counties, to which was referred so much of the unfinished business of last session, as relates to the proposed new county of Marshall, made the following report; which was agreed to:

The standing committee on New Counties, to whom was referred so much of the unfinished business of last session, relative to the new county of Marshall, to be taken from the counties of Marion, Knox, Delaware and Richland, have had the same under consideration, and ask to be discharged from any further consideration of the subject, and that the same be postponed until the first Monday of December, 1842.

Mr. Holmes, from the select committee, to which was recommitted House bill, No. 114, to provide for the improvement and repair of a certain county road in Hamilton county, reported the same back with one amendment; which was agreed to, and

The bill passed.

Mr. Crowell, from the select committee of Conference, in relation to Senate bill, No. 27, fixing the times of holding the supreme court, for the year 1842, made a report; which was agreed to.

Mr. Dewey, from the select committee, to which was recommitted Senate bill, No. 123, to authorize the surrender of the residue of sec-

tion sixteen, in township seven, of range five, in Belmont county, reported the same back with sundry amendments, which were agreed to, and the bill

Ordered to be engrossed for its third reading on Monday next.

Mr. Waddle, from the select committee, to which was recommitted House bill, No. 27, to incorporate the trustees of Central College of Ohio, reported the same back with one amendment.

On motion,

The bill and pending amendment were recommitted to the standing committee on Corporations.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 136—A bill to regulate tolls on the several turnpike roads in this State;

S. No. 137—A bill to amend the act entitled "an act to revive and amend an act entitled 'an act to incorporate the Circleville and Washington turnpike company,'" passed March 5, 1837;

S. No. 138—A bill to amend an act entitled "an act to amend an act entitled 'an act to amend an act entitled an act to incorporate the Toledo and Sandusky Railroad Company';

S. No. 139—A bill to incorporate the town of Rosseau, in the county of Morgan;

S. No. 140—A bill to lay out and establish a graded State road from the Ohio river, opposite Parkersburg, Va., to Chillicothe, in the county of Ross;

H. No. 77—A bill to amend the act to incorporate the Ohio Life Insurance and Trust Company;

The following bill was read the third time and passed:

H. No. 125—An act to incorporate the First Presbyterian Church of Piqua, in the county of Miami.

Ordered that the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time, viz:

H. No. 234—A bill for the relief of Charles F. Berkley, William Geddes and David Eveland, of Morgan county;

H. No. 235—A bill for the sale of school section fifteen, in Fairfield county;

H. No. 236—A bill to incorporate the Methodist Episcopal Church of Cheviot, in Hamilton county;

H. No. 237—A bill to incorporate the Union Mills Company of Roscoe;

H. No. 238—A bill to establish a graded State road in the counties of Holmes, Wayne and Stark;

H. No. 239—A bill to amend the act entitled “an act to incorporate the town of Elyria, in the county of Lorain,” passed February 23, 1833.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following bills, to which the signature of the Speaker of the Senate is requested, viz:

H. bills Nos. 19, 73, 82, 89, 90, 91, 97, 101 and 102.

The Speaker of the House has also signed the following resolution of the House, to which the signature of the Speaker of the Senate is requested:

Resolution in relation to John Q. Adams.

Attest:

GID. M. AYRES, *Clerk.*

The above enrolled bills and resolution were signed by the Speaker of the Senate.

On motion of Mr. Taylor,

The Senate took up Senate bill No. 42, and House amendments thereto, to enforce the resumption and continuance of specie payments by the banks within the State of Ohio.

The question occurring on agreeing to the amendments proposed by the majority of the standing committee on the Currency, to the amendments of the House, they were severally considered and agreed to.

The question then occurring on agreeing to the amendments introduced by the minority of the standing committee on the Currency, to the amendments of the House,

Mr. Taylor moved a call of the Senate; which being ordered, Messrs. Godman and Leonard were found absent.

On motion of Mr. Henderson,

Mr. Leonard was excused.

On motion of Mr. Clark,

Mr. Godman was excused.

The question occurring on agreeing to the following amendment to House amendment, offered by the minority of the Currency committee, to wit:

In section 34, line 3, of House amendments, strike out the word March, and insert the word May, so as to read, “the second section of this act shall take effect from the passage thereof, and the other sections of this act shall take effect and be in force from and after the 4th day of May, A. D., one thousand eight hundred and forty-two.”

Mr. Taylor called for a division of the question, and it turning on striking out the word March,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 17, nays 17, as follows:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Foss, Harris, Henderson, Latham, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Ford, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Thomas, Walton and Speaker—17.

So the Senate refused to strike out.

Mr. Stanton moved a call of the Senate; which being ordered, Messrs. Godman and Leonard were found absent.

On motion,

Messrs. Godman and Leonard were excused.

Mr. Nash moved that the Senate take a recess; on which motion,

Mr. Foss demanded the yeas and nays; which being ordered, were—yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Harris, Henderson, Latham, Nash, Robbins, Sill, Stanton, Van Vorhes and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Perkins, Ream, Ritchey, Root, Spangler, Taylor, Wade, Walton and Speaker—18.

So the Senate refused to take a recess.

The question then occurring on agreeing to the following amendment of the minority of the Currency committee to the amendments of the House to Senate bill No. 42, as follows, to wit:

Sec. 34, line 3 and 4, strike out the words, "and this act shall be prospective in its operations," and insert, "as to all bank notes or bills under the denomination of five dollars, and from and after the first day of June, A. D., 1842, shall take effect as to all bank notes, bills, checks, or other paper, calculated or intended to circulate as currency, and from and after the first day of September, A. D., 1842, shall take effect as to all deposits made, or evidences of indebtedness, issued to depositors, or otherwise, and not calculated or intended to circulate as money;"

On agreeing to this amendment,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Harris, Henderson, Latham, Nash, Perkins, Robbins, Sill, Stanton, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Root, Spangler, Taylor, Thomas, Van Vorhes, Walton and Speaker—19.

So the Senate rejected the amendment.

Mr. Waddle offered an amendment to the amendment of the House; pending the consideration of which,

Mr. Thomas moved that the Senate take a recess; on which motion,

Mr. Stanton demanded the yeas and nays; which being ordered, were, yeas 20, nays 15, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Harris, Henderson, Latham, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—20.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—15.

So the Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Waddle moved a call of the Senate, which being ordered, Messrs. Crowell and Holmes were found absent.

On motion,

Further proceedings under the call were dispensed with.

The question occurring on agreeing to the following amendment, offered by Mr. Waddle, to Senate bill, No. 42, to come in as an additional section to the bill, to wit:

"That every banking institution in this state that shall, on the day fixed by this act for resumption of specie payments, hold any of the bonds of this state, which have not more than three months to run to become due, may defer the resumption of specie payments on an amount of its circulation equal to the amount of such bonds, so by it held as aforesaid, until such bonds are paid, or disposed of by such bank."

On agreeing to this amendment,

Mr. Waddle demanded the yeas and nays; which being ordered, were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—18.

So the amendment was disagreed to.

Mr. Stanton offered the following amendment to the amendment of the House, to wit:

Amend the 34th section, by inserting after the word "two," in the third line, "as to all notes under three dollars, on the fourth day of May, 1842; as to all notes under five dollars, on the fourth day of June, A. D., 1842; as to all notes under ten dollars, on the fourth day of July, 1842; as to all their bills and notes in circulation, on the first day of September, A. D., 1842, as to all deposits and all other liabilities."

On agreeing to this amendment,
Mr. Stanton demanded the yeas and nays; which being ordered,
were, yeas 17, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Thomas, Walton and Speaker—19.

So the amendment was disagreed to.

Mr. Thomas proposed several amendments to the amendment of the House; which were agreed to.

Mr. Thomas offered the following amendment to the amendment of the House, to wit:

Add the following at the end of the 29th section:

“And the remedies in this and the preceding section, provided against said banks in favor of their creditors, shall operate in favor of said banks against their debtors.”

On agreeing to this amendment, the yeas and nays were demanded, and were, yeas 9, nays 25, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Nash, Perkins, Sill, Thomas, Van Vorhes and Wade—9.

Nays—Messrs. Aten, Bartley, Clark, Dewey, Ford, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Stanton, Taylor, Waddle, Walton and Speaker—25.

So the amendment was disagreed to.

The question then recurring on agreeing to the House amendment as amended,

The yeas and nays were demanded; which being ordered, were, yeas 21, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—21.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Godman, Henderson, Nash, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—14.

So the House amendment, as amended, was agreed to.

The House amendment to the title of Senate bill, No. 42, was then agreed to.

The Speaker presented to the Senate a special report from the Auditor of State, in reply to a resolution of the Senate, relative to pedlars and traveling merchants.

[See Vol. Pub. Dec., No. 65.]

On motion of Mr. Walton,
The report was laid upon the table.

On motion of Mr. Hazeltine,
The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

MONDAY, FEBRUARY 14, 1842.

The Senate met pursuant to adjournment.

Mr. Van Vorhes asked leave to change his vote, as recorded, on agreeing to the second amendment to House amendment to Senate bill No. 42, as reported by the minority of the standing committee on the Currency.

Leave being granted, Mr. Van Vorhes voted in favor of the amendment.

Mr. Wade presented a petition from citizens of Ashtabula county, praying the enactment of a law compelling the banks to resume specie payments on the first day of August next; which was

Laid upon the table.

Mr. Nash presented a petition from citizens of Wilksville, in the county of Gallia, praying the incorporation of the Wilksville Lyceum; which was referred to a select committee of one, and Mr. Nash appointed said committee.

Mr. Goodin presented a remonstrance, signed by 124 citizens, against attaching the townships of Big Spring and Seneca, in the county of Seneca, to Crawford county, for military purposes; which was

Laid upon the table.

Mr. Holmes presented a petition, signed by 348 citizens of this State, asking the Legislature to enact such laws as will prevent the emigration of negroes and mulattoes, within the State of Ohio; which was

Referred to the standing committee on the Judiciary.

Mr. Henderson, from the standing committee on Corporations, to which was recommitted House bill No. 27, to incorporate the Trustees of Central College of Ohio, and the pending amendment of the Senate thereto, reported the same back, and recommended that the amendment be agreed to.

The amendment was agreed to, and the bill, as amended, passed.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 40, to amend the act entitled "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831, and the House amendments thereto, reported the same back, and recommended that the Senate concur in the amendments of the House; which was agreed to.

Mr. Thomas, from the standing committee on the Judiciary, to which was recommitted Senate bill No 30, to amend the act entitled "an act defining the powers and duties of Justices of the Peace, and constables, in criminal cases," passed March 29, 1837, and the act amendatory thereto, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Henderson, from the standing committee on Corporations, to which was recommitted House bill No. 123, to incorporate the Woodland Cometary Association of Dayton, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. McConnell, from the standing committee on Canals, to which was referred the report of the select committee, to which was referred the remonstrance of citizens of Stark county, remonstrating against the erection of the Scipo reservoir, reported the same back, and recommended that the report be laid upon the table, in order to be printed; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 138, to incorporate the Wardens and Vestrymen of St. Steven's Church, Liverpool, in the county of Columbiana, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No 85, to incorporate the Grand Lodge of Ohio, reported the same back with sundry amendments; which were agreed to.

The question occurring on ordering the bill to its third reading,

Mr. Wade demanded the yeas and nays; which being ordered, were, yeas 16, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Root, Spangler, Van Vorhes, and Waddle—16.

Nays—Messrs. Bartley, Carpenter, Clark, Dewey, Ford, Goodin, Nash, Perkins, Robbins, Stanton, Taylor, Thomas, Wade, Walton and Speaker—15.

So the bill was ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 40, to repeal the act to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the Diocese of Ohio, reported the same back without amendment.

On motion of Mr. Leonard,
The bill was laid upon the table.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 62, to amend an act entitled "an act to incorporate the Hamilton and Rossville Hydraulic Company, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 69, to amend the act entitled "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839, reported the same back with sundry amendments; which were agreed to.

The question occurring on the engrossment of the bill,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 29, nays 3, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Dewey, Ford, Foos, Harris, Hazeltine, Holmes, Hostetter, Latham, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Robt. Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—29.

Nays—Messrs. Goodin, Mitchell, and Taylor—3.

So the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Aten, from the standing committee on Enrolment, made the following report:

The standing committee on Enrolment have examined, and found correctly enrolled, the following acts and resolutions:

H. No. 102—An act to lay out and establish a state road in the counties of Erie, Lorain and Huron.

H. No. 101—An act to lay out and establish a graded state road in the counties of Jefferson and Harrison.

H. No. 97—An act to lay out and establish a state road in the counties of Hardin, Marion and Union.

H. No. 90—An act to lay out and establish a graded state road in the counties of Knox and Coshocton.

H. No. 91—An act to incorporate the town of South Solon, in the county of Madison.

H. No. 89—An act to change the corporate name of the Wardens and Vestrymen of the Parish of All Souls, in the township of Springfield, and county of Clark, incorporated by act of March 14, 1836.

H. No. 82—An act to authorize the commissioners of Delaware county to correct the duplicate of the revaluation of real property, in the said county, under the act of March 13, 1840.

H. No. 19—An act to lay out and establish a state road in the counties of Lucas, Ottawa and Sandusky.

H. No. 73—An act to amend the act amendatory of an act to incorporate the town of Wellsville, in the county of Columbiana, passed February 18, 1834.

Resolution, in relation to John Q. Adams.

Mr. Walton, from the standing committee on Public Lands, to which was recommitted House bill No. 39, to provide for the valuation and sale of the canal lands belonging to the State of Ohio; and, also, to amend the acts now in force in relation thereto, reported the same back with one amendment.

On motion of Mr. Walton,

The bill and pending amendment were laid upon the table, and the amendment ordered to be printed.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 141—A bill to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838.

The following bills were read the third time and passed:

H. No. 124—An act to incorporate the Montgomery Turnpike Company.

H. No. 132—An act to incorporate the Dover Library Association, in the county of Cuyahoga.

H. No. 130—An act to incorporate the Donnelleville Library Association, in the county of Clark.

S. No. 111—An act to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto.

S. No. 131—An act to incorporate the Third New Jerusalem Society of Cincinnati.

S. No. 122—An act to authorize the surrender of the residue of section sixteen, in township seven, of range five, in Belmont county.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the report of the committee of conference upon the subject of difference between the two Houses, in relation to House amendments to Senate bill No. 27.

Attest.

GIN. M. AYARS, *Clerk*.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read a first time, viz:

H. No. 240; A bill to repeal the charter of the Urbana banking Company, and to dispose of its effects.

H. No. 241; A bill to incorporate the Dresden Fire Engine Company, No. 1.

H. No. 242; A bill to amend an act for the relief of insolvent debtors, passed March 12, 1831.

H. No. 243; A bill to establish a free turnpike road from Lima, Allen county, to Perrysburg, Wood county.

H. No. 244; A bill to incorporate the United and Reformed Congregation of St. Paul's Church, in Columbus, in the county of Franklin.

The following bills of the House have been read the third time and passed, in which the concurrence of the Senate is requested:

H. No. 137; An act to divorce John A. Ackley from his wife, Caroline Ackley.

H. No. 138; An act to incorporate Columbia Lodge number forty four, of free and accepted Masons, in the town of Miami, in the county of Hamilton.

H. No. 139; An act to incorporate the German Methodist Episcopal church of Marietta, in Washington county.

H. No. 140; An act to incorporate the First Regular Baptist Church of Green township, Richland county.

H. No. 142; An act to amend "an act for the inspection of certain articles therein enumerated," passed March 9, 1831.

H. No. 145; An act to amend the act entitled, "an act for the punishment of crimes," passed March 7, 1835.

H. No. 149; An act to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes.

H. No. 150; An act to authorize the sale of school section number sixteen, in Clinton township, in the county of Lucas.

H. No. 151; An act to incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county.

The House has also passed the following resolution of the Senate: Resolution relative to the payment of certain persons.

Attest:

GID. M. AYERS, Clerk.

The bills of the House were read the first time.

On motion of Mr. McConnell, it was

Resolved That the Board of Public Works be and they are hereby required to communicate to the Senate, at as early a day as practicable, whether, in their opinion, the Ohio canal, at the town of Massillon, in Stark county, ought to be supplied with an additional quantity of water for the purposes of canal navigation; and, if so, their reasons why the waters of Scipo, after propelling the woollen factory at Massillon, was not taken into, instead of having it pass under said canal; and, also, if they deem it good policy on the part of the state, that the Scipo waters in said county be dammed up, or confined in any manner, so as to constitute a reservoir of water for canal purposes, or whether a sufficiency of water for that purpose cannot, as advantageously for the state, be obtained from the Tuscarawas river. And, further, what examinations, if any, were made by the authorities of the state, in reference to the ascertainment of the

practicability of constructing such reservoir on said waters, for the purposes aforesaid.

Mr. Taylor offered for adoption the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate, be directed to procure a large Franklin stove for the purpose of heating the Senate chamber, and have the same placed in or near the fire place in the western end thereof, as shall be thought most advisable, and that the said fire place be filled up with masonry, composed of brick and mortar.

On motion of Mr. Ford,

The resolution was referred to the standing committee on Public Buildings.

On motion of Mr. Hostetter, it was

Resolved by the General Assembly of the State of Ohio, That Arvine Wales and Arnold Lynch of Stark county, be and they are hereby appointed trustees of the charity school of Kendall, in Stark county, in the place of Mathias Sheplar and John W. Greenwood, who decline serving as such trustees.

On motion of Mr. Spangler,

The Senate took up the Senate bill No. 76, to regulate banking in Ohio.

Mr. Stanton offered the following as an amendment:

Amend the 24th amendment by striking out all after the word "capacity," in the fourth line, to the end of the section, and insert "in the same manner that parties are liable at common law; and the stockholders shall have the same remedies to compel contribution, that parties are entitled to at common law or in chancery."

The question occurring on agreeing to Mr. Stanton's amendment,

Mr. Walton called for a division of the question; and it turning on striking out,

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 5, nays 26, as follows, to wit:

Yeas—Messrs. Barnett, Dewey, Nash, Stanton, and Van Vorhes—5.

Nays—Messrs. Aten, Bartley, Carpenter, Clark, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Wade, Waddle, Walton, and Speaker—26.

So the Senate refused to strike out.

Mr. Stanton then moved to strike out the 24th section of the bill, upon which motion,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 6, nays 25, as follows, to wit:

Yeas—Messrs. Barnett, Dewey, Nash, Stanton, Thomas, and Van Vorhes—6.

Nays—Messrs. Aten, Bartley, Carpenter, Clark, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Wade, Waddle, Walton, and Speaker—25.

So the Senate refused to strike out.

The question then recurring on the engrossment of the bill,

The yeas and nays were demanded, and being ordered, were, yeas 18, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Dewey, Ford, Nash, Perkins, Root, Stanton, Thomas, Van Vorhes, Wade, and Waddle—12.

So the bill was ordered to be engrossed for its third reading on Wednesday next.

Mr. Aten, agreeably to previous notice, introduced the following bill, which was read the first time:

S. No. 142; A bill to incorporate the St. John's Church, of Liverpool township, Columbiana county, Ohio.

Mr. Sill, from the standing committee on enrolment, made the following report:

The joint standing committee on enrolment, report: That they have examined and found duly enrolled the following acts, to wit:

No. 37 of the Senate; An act to amend the "act to provide for the sale of lands forfeited to the state for the nonpayment of taxes," passed March 14, 1831.

No. 64 of the Senate; An act fixing the times of holding the courts of common pleas.

On motion of Mr. Taylor,

The Senate took up House bill No. 21, to amend the act entitled, "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain denominations," passed January 28, 1824.

Mr. Taylor offered an amendment to the bill.

On motion of Mr. Holmes,

The bill and pending amendments were recommitted to the standing committee on the Judiciary.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Barnett in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported back the following bills without amendment:

S. No. 135; A bill to incorporate the Orwell Library and Reading Society of the town of Orwell, Ashtabula county.

Recommitted to the standing committee on Corporations.

S. No. 136; A bill to regulate tolls on the several turnpikes in the state.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 137; A bill to amend the act entitled, "an act to revive and amend an act entitled, an act to incorporate the Circleville and Washington Turnpike company," passed March 5, 1839.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 138; A bill to amend an act entitled, an act to amend an act entitled, an act to amend an act entitled, an act to incorporate the Toledo and Sandusky Railroad Company.

Ordered to be engrossed for its third reading on to-morrow.

S. No. 140; A bill to lay out and establish a graded state road from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, in the county of Ross.

On motion of Mr. Van Vorhes,

The bill was amended, and then recommitted to the standing committee on Roads and Highways.

On motion of Mr. Leonard,

The Senate took up House bill No. 40, to repeal the act to "amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church in the diocese of Ohio;" and the bill was ordered to its third reading on to-morrow.

Mr. Waddle gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill for the relief of certain banks.

On motion of Mr. Goodin,

The Senate took up the report of the Judiciary committee on the petition of Eleanor Eaton for a divorce from her husband Azure Eaton.

Mr. Goodin moved that the Senate disagree to the report of the committee, and, on his motion demanded the yeas and nays, which, being ordered, were, yeas 5, nays 27, as follows, to wit:

Yeas—Messrs. Clark, Goodin, Leonard, Taylor, and Wade—5.

Nays—Messrs. Aton, Barnett, Bartley, Carpenter, Dewey, Ford, Foss, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Waddle, Walton, and Speaker—27.

So the report was agreed to.

On motion of Mr. Ford,

The Senate again resolved itself into committee of the whole, Mr. Carpenter in the chair, on House bill No. 79, to amend the act to incorporate the Ohio Life Insurance and Trust Company, and after the consideration thereof, the committee rose and reported the same back without amendment.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 124—proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and other regulations as to corporations generally.

The question occurring on agreeing to the amendments to the bill, they were severally considered and agreed to.

The question then occurring on ordering the bill to be engrossed for its third reading,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton, and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Dewey, Ford, Foos, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—14.

So the bill was ordered to be engrossed for its third reading on Wednesday next.

Mr. Foos, from the select committee to which was re-committed Senate bill No. 109, to quiet land titles in the Virginia Military district, north west of the Ohio river, on leave, reported the same back with one amendment.

On motion of Mr. Foos,

The bill and amendment were laid upon the table, and the amendment ordered to be printed.

Mr. Nash, from the select committee on that subject, on leave, introduced the following bill; which was read the first time.

S. No. 143—A bill to incorporate the Wilksville Lyceum, in the county of Gallia.

On motion of Mr. Aten, it was

Resolved by the Senate and House of Representatives, That both branches of this General Assembly will meet in the Hall of the House on Wednesday, the 18th inst., at 3 o'clock, P. M., for the purpose of electing one Associate Judge for the county of Columbiana; one Associate Judge for the county of Adams; one Associate Judge for the county of Licking; two Associate Judges for the county of Belmont; two Associate Judges for the county of Hocking; one Associate Judge for the county of Union; and one Major General for the 8th division, of the Ohio Militia.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the Senate amendments to the amendment of the House to Senate bill No. 42; and also to Senate amendment to House bill No. 114.

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested, to wit:

H. bill No. 152—To alter a certain State road in Allen and Putnam counties;

H. bill No. 154—To incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga;

H. bill No. 160—To incorporate the Myrtle tree Baptist Church of Lawrence county;

H. bill No. 161—To incorporate Symmes' Creek Baptist Church in Lawrence county;

H. bill No. 162—To divorce Esther A. Creain from her husband, Andrew L. Creain;

H. bill No. 164—To change the name of the town of Vienna, in the county of Clinton;

25—S. J.

H. No. 165—For the relief of the Willoughby University of Lake Erie;

H. bill No. 166—To incorporate the Fifth street Baptist Church of Cincinnati, Hamilton county;

H. bill No. 169—To provide for the sale of the residue of section twenty-six, in Columbia township, in Meigs county;

H. bill No. 170—To incorporate the First Regular Church and Society of Henrietta, in Lorain county;

H. bill No. 171—To incorporate the Roman Catholic Church in Vernon township, Richland county, under the name and style of the Church of Jesus' Heart;

H. bill No. 173—A bill to review and locate so much of the State road leading from Mount Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little fork of Short Creek and Glenn's Run;

H. bill No. 176—To incorporate the Second Presbyterian Church of Oxford, in the county of Butler;

H. bill No. 178—To incorporate the First Baptist Society of Huntington, Lorain county, Ohio.

Attest:

GIP. M. ARNES, *Clerk*.

The bills of the House were read the first time.

On motion of Mr. Nash,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

TUESDAY, FEBRUARY 16, 1842.

The Senate met pursuant to adjournment.

Mr. Mitchell presented thirteen petitions, signed by 715 citizens of Jefferson county, praying for the individual liability clause in all bank charters; which were laid upon the table.

Mr. Holmes presented a petition from sundry citizens of Ohio, asking the Legislature to pass such laws as will prevent negroes and mulattoes from emigrating and settling within the borders of Ohio; which was

Referred to the standing committee on the Judiciary.

Mr. Mitchell presented a petition from sundry citizens of Jefferson county, asking the passage of a resolution instructing our Senators, and requesting our Representatives in Congress, to obtain an appro-

priation to complete the improvement of the Ohio river; which was

Referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Bartley presented two petitions, signed by 38 citizens of Richland county, praying the incorporation of a State Bank; which was

Referred to the standing committee on the Currency.

Mr. Carpenter presented a petition from 347 ladies of Russia, Lorain county, for the enactment of a law for the punishment of seduction, adultery, &c.; which was

Referred to a select committee of one, and Mr. Carpenter appointed said committee.

Mr. Carpenter presented a similar petition from ladies of Richland county; which was

Referred to the same committee.

Mr. Carpenter presented a similar petition from ladies of Lorain county; which was.

Referred to the same committee.

Mr. Carpenter presented a similar petition from ladies of Licking county; which was

Referred to the same committee.

Mr. Carpenter presented a similar petition from ladies of Huron county; which was

Referred to the same committee.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 135, to incorporate the Orwell Library and Reading Society of the township of Orwell, Ashtabula county, reported the same back with one amendment; which was agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of citizens of Mt. Pleasant, for the repeal of the law which exacts a fine for the nonperformance of military duty, when operating as an infringement upon the liberty of conscience, reported the same back, asked to be discharged from its further consideration, and that the petition be referred to the standing committee on Military Affairs; which was agreed to.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 51, to confer the exclusive authority to change the names of persons upon the courts of common pleas, together with the House amendments thereto, reported the same back with two amendments to the amendments of the House; which were agreed to, and the Senate then concurred in the House amendments as amended.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 104, to authorize the sale of the real and personal property of the Urbana Academy, reported the same back with one amendment; which was agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the same committee, to which was referred the petition of sundry citizens of Hamilton county, for a repeal or modification of the laws passed March, 1841, for the protection of camp meetings, made the following report; which was agreed to:

The standing committee on the Judiciary, to whom was committed the petition of sundry citizens of Hamilton county, for a repeal or modification of the laws, passed March, 1841, for the protection of camp meetings, have had the same under consideration, and now report:

It is the opinion of the committee that no legislation is required on this subject at the present time. If there exist defects in the laws passed in 1841, there has not been time sufficient as yet to test their injurious effects.

The committee, therefore, ask to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Bartley, from the same committee, to which the subject was referred, reported the following resolution; which was agreed to:

Resolved, That the Secretary of State be requested to report to the Senate, at as early a day as practicable, a statement, showing what number of volumes, if any, of the Ohio Reports have been furnished by the State, at any time heretofore, to the following counties, respectively, to wit: The county of Erie, the county of Lucas, the county of Scioto, and the county of Union.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 121, to authorize the sale of the old meeting house belonging to the Methodist Episcopal Church in the town of Eaton, Preble county, Ohio, reported the same back with one amendment; which was agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 48, defining certain duties of Clerks, Sheriffs and Prosecuting Attorneys, reported the same back without amendment, and the bill was ordered to its third reading on to-morrow.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 26, concerning elections in the township of Cleveland, reported the same back without amendment, and the bill was ordered to its third reading on to-morrow.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 84, to provide for the revaluation of section twenty nine, in Union township, Butler county, reported the same back, and recommended its indefinite postponement.

On motion of Mr. Hazeltine,

The bill was laid upon the table.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 87, to authorize the Fund Commissioners of Hamilton

county to purchase certain real estate, reported the same back, and recommended its indefinite postponement.

On motion of Mr. Holmes,

The bill was laid upon the table.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 76, to repeal the act incorporating the town of Hillsborough, in the county of Highland, reported the same back, and recommended its indefinite postponement.

On motion of Mr. Bartley,

The bill was laid upon the table.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 62, to explain and amend the act incorporating the city of Cleveland; passed March 5, 1836, and the amendments thereto, reported the same back, and recommended its indefinite postponement; which was agreed to.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 132, to extend to the county of Geauga a part of the provisions of "an act to provide for the collection and payment of costs in prosecutions for minor offences, in the county of Cuyahoga," passed March 20, 1841, reported the same back without amendment.

On motion of Mr. Wade,

The bill was amended.

On motion of Mr. Ford,

The bill was then laid upon the table.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 134, to prohibit tavern keepers, and others, from selling spirituous liquors to minors, reported the same back without amendment.

Mr. Dewey moved a call of the Senate; which, being ordered, Messrs. Crowell, Henderson and Root, were found absent.

Mr. Bartley moved that further proceedings under the call be dispensed with; on which motion,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 13, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Richey, Robbins, Spangler, Walton and Speaker—13.

Nays—Messrs. Barnett, Carpenter, Clark, Dewey, Ford, Foss, Godman, Goodin, Harris, Hazekine, McConnell, Nash, Perkins, Stanton, Taylor, Thomas, Van Vorhes, Wade and Waddle—19.

So the Senate refused to dispense with further proceedings under the call.

Mr. Bartley moved that the Senate take a recess; upon which motion,

Mr. Waddle demanded the yeas and nays; which, being ordered, were, yeas 11, nays 22, as follows, to wit:

Yeas—Messrs. Bartley, Holmes, Mitchell, Richey, Spangler, Stanton, Thomas, Van Vorhes, Wade, Walton and Speaker—11.

Nays.—Messrs. Aten, Barnett, Carpenter, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, McConnell, Nash, Perkins, Ream, Robbins, Sill, Taylor and Waddle—22.

So the Senate refused to take a recess.

Messrs. Henderson and Root having appeared in the Senate Chamber,

On motion of Mr. Hazeltine,

Further proceedings under the call were dispensed with.

Mr. Hazeltine offered the following amendment to the bill:

Sec. 4. This act shall take effect and be in force, from and after the efforts of the several Washington Temperance Societies of this state shall have proved ineffectual in correcting the evils of intemperance.

On agreeing to this amendment,

Mr. Dewey demanded the yeas and nays; which, being ordered, were, yeas 5, nays 30, as follows, to wit:

Yeas.—Messrs. Aten, Goodin, Hazeltine, Ritchey and Taylor—5.

Nays.—Messrs. Barnett, Bartley, Carpenter, Clark, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—30.

So the amendment was disagreed to.

Mr. Taylor moved to refer the bill to the committee on the Judiciary, with the following instructions:

To report the bill back in such a shape as to prohibit the sale of ardent spirits by any person, whether tavern keeper or otherwise, for any other than medical purposes.

On agreeing to this motion,

Mr. Taylor demanded the yeas and nays; which, being ordered, were, yeas 1, nays 34, as follows, to wit:

Yea.—Mr. Wade.

Nays.—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Waddle, Walton and Speaker—34.

So the amendment was disagreed to.

The question recurring on ordering the bill to be engrossed for its third reading,

Mr. Walton demanded the yeas and nays; which, being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas.—Messrs. Barnett, Carpenter, Dewey, Foos, Godman, Harris, Henderson, McConnell, Nash, Perkins, Robbins, Sill, Stanton, Thomas, Van Vorhes and Wade—16.

Nays—Messrs. Aten, Bartley, Clark, Ford, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Ritchey, Root, Spangler, Taylor, Waddle, Walton and Speaker—19.

Thus the Senate refused to order the bill to be engrossed.

The Speaker presented to the Senate a special report from the Board of Public Works, in answer to a resolution of the Senate, relative to a further supply of water for the Ohio Canal, near Massillon.

[See Vol. Pub. Doc. No. 66.]

On motion of Mr. Hazeltine,

The report was laid upon the table.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred the petition of John Gwynne, made the following report; which was agreed to:

The committee on Schools and School Lands, to which was committed the petition of John Gwynne, praying for the change in the location of the school house in a certain district, report:

The petitioner represents, that a majority of the district have located the school house in one corner of the district, whereby he is deprived of all benefit from the public schools in the same, and asks, that the law be so amended that the school house shall be located at, or within, one fourth of a mile of the territorial centre of each district, unless otherwise directed by a vote of two thirds of the district.

The present law directs the school house to be placed where a majority of the district shall vote to have it. This law is supposed to meet the wants of districts as nearly as any general rule can. That there will be inconveniences in some cases, may be admitted; this is the imperfection of all systems. The law should aim to adopt such rules as will, in the majority of cases, subserve the public interests. The committee believe that this question can be as safely left to a vote of a majority of the district as to any other test.

The committee, therefore, ask leave to be discharged from the further consideration of the subject, and recommend that the petitioner have leave to withdraw his petition.

Mr. Nash, from the same committee, to which was referred the petition of the trustees of original surveyed township No. 6, in range No. 9, in the county of Morgan, made the following report; which was agreed to:

The committee on Schools and School Lands, to which was committed the petition of the trustees of original surveyed township No. 6, in range No. 9, in the county of Morgan, asking

that a law might be passed dispensing with said trustees, and giving their duties to the trustees of the civil township therein, report:

The petitioners represent that there are two sets of trustees in said territory—the trustees of said original surveyed township, and the civil township of Olive, which embraces the same territory as the original surveyed township; that the support of two such boards is a needless expense upon the rents and income of section sixteen, in said township.

The laws of this state have always recognized two separate and distinct township organizations, the duties of which do not interfere with each other. There are, first, the original surveyed townships, to which were donated by Congress section sixteen therein, for the support of schools within the same. To manage and rent this common property, the legislature has always kept up the legal organization of these townships. There are, also the civil townships, organized for other purposes. Now, did original and civil townships always cover the same territory, then one organization might answer for all purposes; but this is not the case: hence separate organizations must, in such cases, be kept up. And is it not best that it should be done in all cases, in order to secure uniformity in our laws? The policy of the state has settled this question in favor of separate organization; and the committee think the policy is founded in correct principles, and should not be departed from.

Mr. Nash, from the same committee, to which was recommitted Senate bill No. 91, to extend the time for the appraisal of school section sixteen, in Royalton township, Lucas county, reported the same back without amendment, and the bill was,

Ordered to be engrossed for its third reading on to-morrow.

Mr. Barnett, from the same committee, to which was recommitted House bill No. 116, to authorize the levy of an additional tax in school district number two, in Rome township, in the county of Ashtabula, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Goodin, from the same committee, to which was recommitted House bill No. 94, to alter certain school districts, in Bucyrus township, in Crawford county, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 142; A bill to incorporate the St. John's Church of Liverpool township, Columbiana county, Ohio;

S. No. 143; A bill to incorporate the Wilksville Lyceum, in the county of Gallia;

H. No. 137; A bill to divorce John A. Ackley from his wife, Caroline Ackley;

H. No. 138; A bill to incorporate Columbia Lodge of Free and Accepted Masons, in the town of Miami, in the county of Hamilton;

H. No. 139; A bill to incorporate the German Methodist Episcopal Church of Marietta, in Washington county;

H. No. 140; A bill to incorporate the First Regular Baptist Church of Green township, Richland county;

H. No. 142; A bill to amend an act for the inspection of certain articles therein enumerated, passed March 9, 1831;

H. No. 145; A bill to amend the act entitled, "an act for the punishment of crimes," passed March 7, 1835;

H. No. 149; A bill to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes;

H. No. 150; A bill to authorize the sale of school section number sixteen, in Clinton township, in the county of Lucas;

H. No. 151; A bill to incorporate the First Old School Presbyterian Church of Bethel, Wayne township, Columbiana county;

H. No. 152; A bill to alter a certain state road, in Allen and Putnam counties;

H. No. 154; A bill to incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga;

H. No. 160; A bill to incorporate the Myrtle tree Baptist Church of Lawrence county;

H. No. 162; A bill to divorce Esther A. Creain from her husband, Andrew L. Creain;

H. No. 164; A bill to change the name of the town of Vienna, in the county of Clinton;

H. No. 165; A bill for the relief of the Willoughby University of Lake Erie;

H. No. 166; A bill to incorporate the fifth street Baptist Church of Cincinnati, Hamilton county;

H. No. 169; A bill to provide for the sale of the residue of section twenty six, in Columbia township, in Meigs county;

H. No. 170; A bill to incorporate the First Regular Church and Society of Henrietta, in Lorain county;

H. No. 171; A bill to incorporate the Roman Catholic Church in Vernon township, Richland county, under the name and style of the Church of Jesus' Heart;

H. No. 173; A bill to review and locate so much of the state road leading from Mt. Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek and Glenn's Run;

H. No. 176; A bill to incorporate the Second Presbyterian Church of Oxford, in the county of Butler;

H. No. 178; A bill to incorporate the First Baptist Society of Huntington, Lorain county.

The following bills were read the third time, and passed:

S. No. 30; An act to amend the act entitled, "an act defining the

powers and duties of Justices of the Peace, and Constables, in criminal cases," passed March 27, 1837, and the act amendatory thereto; S. No. 59; An act to amend the act entitled, "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839;

S. No. 133; An act to incorporate the Wardens and Vestrymen of St. Stephen's Church, Liverpool, in the county of Columbiana;

S. No. 136; An act to regulate tolls on the several turnpikes in this State;

S. No. 137; An act to amend the act entitled, "an act to revive and amend an act entitled an act to incorporate the Circleville and Washington Turnpike Company," passed March 5, 1839;

S. No. 138; An act to amend an act, entitled an act to amend an act, entitled an act to amend an act, entitled an act to incorporate the Toledo and Sandusky Railroad Company;

H. No. 40; An act to repeal the act to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church in the Diocese of Ohio;

H. No. 62; An act to amend an act entitled an act to incorporate the Hamilton and Rossville Hydraulic Company.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

The following bill was read the third time:

H. No. 85; An act to incorporate the Grand Lodge of Ohio.

The question occurring on the passage of the bill,

The yeas and nays were demanded; which, being ordered, were, yeas 14, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Godman, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler and Van Vorhes—14.

Nays—Messrs. Bartley, Carpenter, Dewey, Ford, Foos, Goodin, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Taylor, Thomas, Wade and Speaker—17.

So the bill failed.

The following bill was read the third time:

H. No. 128; An act to incorporate the Woodland Cemetery Association of Dayton.

On motion of Mr. Barnett,

The bill was recommitted to a select committee of one, and Mr. Barnett appointed that committee.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read a third time and passed, to which the concurrence of the Senate is requested:

House bill No. 144; Further to amend the act entitled an act to regulate the practice of judicial courts;

House bill No. 167; To authorize the sale of school section num-

ber sixteen, in the township of Chatfield, Crawford county; and also to repeal an act entitled, "an act to provide for the sale of section sixteen, in township number one, in range seventeen, in Crawford county," passed March 23, 1837;

House bill No. 182; To incorporate the Regular Baptist Church of Jesus Christ in the town of Windsor, in Richland county;

House bill No. 184; To authorize the commissioners of Henry county to borrow money;

House bill No. 185; To incorporate the Regular Baptist Church of Bethel, in Madison township, Franklin county;

House bill No. 186; To incorporate the Wardens, Vestrymen, and Associate Members of the parish of St. Paul's Church, of the town of Lower Sandusky;

House bill No. 189; To provide for the re-numbering the lots in the city of Dayton;

House bill No. 190; To incorporate the First Regular Baptist Church of Neville, in Clermont county;

House bill No. 191; For the relief of Robert Dunham, Abram Teetor, and William Roubesh, Fund Commissioners of Clermont county;

House bill No. 192; For the relief of the Mayor, Recorder, and Trustees of the town of Dresden, in Muskingum county;

House bill No. 193; To authorize the county commissioners of Williams county to levy an additional tax, for road purposes;

House bill No. 197; To incorporate the Anshu Cheemed Congregation, of the city of Cleveland;

House bill No. 198; To incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll;

House bill No. 199; To incorporate the First Congregational Society of Geneva, Hartsfield, and Saybrook, in the county of Ashtabula;

House bill No. 200; To incorporate the town of Lima, in the county of Allen;

House bill No. 201; To change the name of the town of Martinsburg, in the county of Holmes;

House bill No. 202; To incorporate the town of Benton, in Holmes county;

House bill No. 203; To incorporate the town of Galion, in the county of Richland.

The House has agreed to the amendment of the Senate to House bill No. 27.

Attest:

GEO. M. AYRES, Clerk.

The bills of the House were read the first time.

On motion of Mr. Spangler,

The Senate took up House bill No. 39, and the Senate amendments thereto.

On motion of Mr. Spangler,

The bill was made the special order of the day for this day.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Ford in the chair, on the special order of the day, House bill No. 39, to provide for the valuation and sale of the Canal lands belonging to the state of Ohio, and also, to amend the acts now in force in relation thereto; and after the consideration thereof, the committee rose and reported progress, and asked leave to sit again, which was agreed to.

On motion of Mr. Latham, it was

Resolved, That the Board of Fund Commissioners be requested to report to the Senate the amount of money now due and owing by the State to the banks of this State, stating, in said report, the amount so due to each of said banks, and what arrangements have been made, if any, to discharge said indebtedness.

On motion of Mr. McConnell, it was

Resolved, That the Board of Public Works be required to report to the Senate, at as early a day as practicable, all the information they may have in their possession, in relation to the claim of Hiram B. Deming, for damages sustained by the construction of the Hocking Valley Canal.

Message from the House of Representatives.

Mr. Speaker,

The following bills have been introduced into the House, and read the first time, to wit:

House bill No. 245—To settle the claims of Edmund Lytle and George D. Lecky.

House bill No. 246—To amend the act fixing the times of holding the courts of common pleas.

House bill No. 247—A bill for the relief of Susannah McGrew.

House bill No. 248—To incorporate the First Presbyterian Church in the town of Addison, Champaign county.

House bill No. 249—To incorporate the town of Mt. Eaton, in the county of Wayne.

House bill No. 250—To incorporate the First Baptist Church of Bath, in the county of Summit.

House bill No. 251—To incorporate the First Regular Baptist Church in the town of Springfield, in the county of Clark.

House bill No. 252—To divorce Michael Nye from his wife, Elizabeth Nye.

House bill No. 253—To repeal so much of the act entitled, "an act to incorporate the Ohio Turnpike Company," passed February 11, 1832, as authorizes said company to survey and locate their road from the junction of said road with the Union bridge and Batavia Turnpike, road to the city of Cincinnati.

House bill No. 254—To incorporate the Canaan Union Academy, of Wayne county.

House bill No. 255—To establish the town of Lewisburg, in Preble county, a road district.

House bill No. 256—To extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes.

The following resolutions have passed the House, to which the concurrence of the Senate is requested:

A resolution admitting James Darrough into the Asylum for the Deaf and Dumb.

A resolution admitting Constant Ruby and Tracy Ruby into the Asylum for the Blind.

Attest:

GID. M. AYRES, *Clerk.*

The resolutions of the House were referred to the standing committee on Public Institutions.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the Senate resolution, appointing trustees of the Charity School of Kendall.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed House bills Nos. 66, 100, 103, 109, 112, 113, 115, 119, and 120, to which the signature of the Speaker of the Senate is requested.

The Speaker of the House has also signed Senate bills Nos. 37 and 64, to which the signature of the Speaker of the Senate is requested.

Attest:

GID. M. AYRES, *Clerk.*

The above enrolled bills were signed by the Speaker of the Senate.

On motion of Mr. Wade,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

WEDNESDAY, FEBRUARY 16, 1842.

The Senate met pursuant to adjournment.

Mr. McConnell presented a petition from citizens of Morgan county, praying the incorporation of the town of Malta; which was referred to a select committee of one, and Mr. McConnell appointed said committee.

Mr. McConnell presented a petition from citizens of Morgan county, praying for an act for the relief of the trustees of the Methodist Episcopal Church of Malta, in said county; which was referred to a select committee of one, and Mr. McConnell appointed said committee.

Mr. Goodin presented a petition from citizens of Hancock county, praying the incorporation of a Literary Society; which was referred to a select committee of one, and Mr. Goodin appointed said committee.

Mr. Clark presented a petition from citizens of Williams county, praying the sale of certain school lands; which was referred to a select committee of one, and Mr. Clark appointed said committee.

Mr. Waddle presented a petition from L. H. Cuming, praying for certain relief; which was referred to the standing committee on the Penitentiary.

Mr. Ford presented petitions from citizens of Cuyahoga and Geauga counties, praying a restraining law upon certain animals in certain seasons of the year; which was referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Spangler presented a petition from citizens of Miami county, in relation to the currency; which was laid on the table.

Mr. Carpenter presented a petition from citizens of Medina county, in relation to the culture of silk; which was referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Holmes presented petitions from citizens of the state, praying the passage of a law to prevent the immigration of persons of color, to the state of Ohio; which was referred to the standing committee on the Judiciary.

Mr. Nash presented a petition from citizens of Jackson county, praying the passage of a law to provide for the appraisement of personal property; which was referred to the standing committee on the Judiciary.

Mr. Carpenter presented a memorial from ladies of Portage county, in relation to the crimes of seduction, adultery, &c.; which was referred to a select committee of one, and Mr. Carpenter appointed said committee.

Mr. Thomas, from the standing committee on the Judiciary, to which was recommitted the bill Senate, No. 126, to amend the act entitled, "an act to organize the judicial courts," passed February 7, 1831, reported the same back without amendment.

On motion of Mr. Bartley,

The bill was laid on the table.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill, House No. 20, to amend an act entitled, an act to incorporate the town of New Lisbon, in the county of Columbiana, reported the same back with one amendment, which was agreed to, and the bill was,

Ordered to its third reading and final passage on to-morrow.

Mr. Harris, from the standing committee on Claims, to which was referred the petition of Thomas White, praying for compensation for labor on the Ohio canal, reported the same back and asked to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition; which was agreed to.

Mr. Root, from the standing committee on Public Institutions, to which was recommitted House resolution, for the admission of Constant Ruby, and Tracy Ruby, into the Blind Asylum, reported the same back without amendment, when the resolution was agreed to.

Mr. Root, from the same committee, also reported back House resolution for the admission of James Barrugh into the Asylum for the Deaf and Dumb, with one amendment, which was agreed to, and the resolution as amended, was adopted.

Ordered that the House be informed thereof.

Mr. Holmes, from the standing committee on Corporations, to which was referred a petition for the incorporation of a steam mill company in Gallia county, submitted a report.

The question being on the adoption of the resolution, that the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Nash, demanded the yeas and nays; which were ordered.

Mr. Bartley moved to lay the report on the table; which was disagreed to.

The question was then taken on agreeing to the resolution, and decided in the negative, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Robbins, Root, Spangler, Taylor, Waddle, Walton and Speaker—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foss, Godman, Nash, Perkins, Ream, Sill, Stantor, Van Vorhes and Wade—18.

The petition was then referred to Mr. Nash, with leave to report by bill or otherwise.

Mr. Barnett, from the select committee, to whom was recommitted House bill, No. 123, to incorporate the Woodland Cemetery Association of Dayton, reported the same back with one amendment; which was agreed to.

The amendment having been engrossed at the clerk's table, the question turned on the final passage of the bill, upon which,

Mr. Taylor demanded the yeas and nays; which being ordered,

Mr. Taylor moved to recommit the bill to a select committee of one, with instructions to strike out so much as exempts the property of said corporation from taxation; on which motion,

Mr. Hostetter demanded the yeas and nays; which being ordered, were, yeas 10, nays 23, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Mitchell, Robbins, Taylor, Walton and Speaker—10.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Hostetter, Latham, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Root, Sill, Spangler, Stanton, Van Vorhes, Wade and Waddle—23.

Mr. Hazeltine moved further to amend by way of rider, by adding an additional section, as follows:

That any future legislature shall have power to alter, amend or repeal this act,

Upon which question, he called for the yeas and nays, and they were ordered, when the same were taken, and carried, yeas 21, nays 11, as follows, to wit;

Yeas—Messrs. Aten, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Robbins, Root, Spangler, Taylor, Waddle, Walton and Speaker.—21.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Nash, Sill, Stanton, Van Vorhes and Wade—11.

Mr. Bartley moved further to amend, by inserting the following as section seven:

That the incorporators and trustees shall be jointly and severally liable in their individual and natural capacity, for the payment of all debts and liabilities contracted by the company or officers thereof.

Mr. Holmes called for the yeas and nays, and they were ordered, when the same was taken, and carried, yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Stanton, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Nash, Perkins, Root, Sill, Spangler, Thomas, Van Vorhes, Wade and Waddle—17.

The several amendments having been engrossed at the clerk's table, the question again turned on the passage of the bill, when the same was taken and carried, yeas 30, nays 6, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle and Walton—30.

Nays—Messrs. Aten, Bartley, Goodin, Taylor and Speaker—5.

So the bill was passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

Mr. McConnell, from the select committee on that subject, reported a bill (Senate, No. 144) to incorporate the town of Malta, in the county of Morgan; which was read the first time.

Ordered, That the House be informed thereof.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

H. No. 144; A bill further to amend the act entitled, "an act to regulate the practice of judicial courts," passed March 8, 1831.

H. No. 167; A bill to authorize the sale of section, number sixteen, in the township of Chatfield, Crawford county, and also, to repeal an act entitled, "an act to provide for the sale of section sixteen, in township number one, in range seventeen, in Crawford county," passed March 23, 1837;

H. No. 182; A bill to incorporate the regular Baptist Church of Jesus Christ, in the town of Windsor, in Richland county;

H. No. 184; A bill to authorize the commissioners of Henry county, to borrow money;

H. No. 185; A bill to incorporate the regular Baptist Church of Bethel, in Madison township, Franklin county;

H. No. 186; A bill to incorporate the Wardens, Vestrymen and Associate Members of the Parish of St. Paul's Church of the town of Lower Sandusky;

H. No. 189; A bill to provide for the renumbering the lots in the city of Dayton;

H. No. 190; A bill to incorporate the First Regular Baptist Church of Neville, in Clermont county;

H. No. 191; A bill for the relief of Robert Dunham, Abram Teetor, and William Roudebush, fund commissioners of Clermont county;

H. No. 192; A bill for the relief of the mayor, recorder, and trustees of the town of Dresden, in Muskingum county;

H. No. 193; A bill to authorize the county commissioners of Williams county, to levy an additional tax for road purposes;

H. No. 197; A bill to incorporate the Anshi Chesmed Congregation of the city of Cleveland;

H. No. 198; A bill to incorporate the Hook and Ladder Company of Leesburg, in the county of Carroll;

H. No. 199; A bill to incorporate the First Congregational Society of Geneva, Harpersfield and Saybrook, in the county of Ash-tabula;

H. No. 201; A bill to change the name of the town of Martinsburg, in the county of Holmes;

H. No. 202; A bill to incorporate the town of Benton, in Holmes county;

H. No. 200; A bill to incorporate the town of Lima, in the county of Allen;

H. No. 203; A bill to incorporate the town of Galion, in the county of Richland.

The Senate having agreed to suspend its regular business, the Speaker announced that the clerk of the Senate had been called by an affliction in his family, from the discharge of his duties for a few days, when John W. Dubbs was duly sworn as assistant clerk, to act in his stead.

Ordered, That the House of Representatives be informed thereof.

The following bills of the Senate were severally read a third time and passed, to wit:

S. No. 91; An act to extend the time for the appraisal of school section 16, in Royalton township, Lucas county;

S. No. 104; An act to authorize the sale of the real and personal property of the Urbana Academy;

S. No. 121; An act to authorize the sale of the old meeting house belonging to the Methodist Episcopal Church, in the town of Eaton, Preble county;

S. No. 135; An act to incorporate the Orwell Library and Reading Society of the township of Orwell, Ashtabula county.

Ordered, That the titles be as aforesaid, and that the concurrence of the House be requested.

S. No. 76; An act to regulate banking in the State of Ohio, was read the third time, and amended by way of ryder.

The amendments having been engrossed at the clerk's desk, the question turned on the final passage of the bill.

Mr. Holmes called for the yeas and nays, and they were ordered, when the question was taken and carried, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley; Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the bill was passed.

Ordered, That the title be as aforesaid, and that the concurrence of the House be requested.

S. No. 124; An act proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and other regulations as to corporations generally, was read the third time.

The question being, shall the bill pass?

Mr. Hazeltine called for the yeas and nays, and they were ordered, when the same were taken, and carried, yeas 19, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostteter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foss, Godman,

Nash, Perkins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—14.

So the bill was passed.

Ordered, That the title be as aforesaid, and that the concurrence of the House be requested.

The following bills of the House were severally read a third time and passed:

H. No. 94; An act to alter certain school districts in Bucyrus township, in Crawford county;

H. No. 116; An act to authorize the levy of an additional tax in school district, No. 2, in Rome township, in the county of Ashtabula;

H. No. 48; An act defining certain duties of clerks, sheriffs and prosecuting attorneys;

H. No. 26; An act concerning elections in the township of Cleveland.

Ordered, That the titles be as aforesaid, and that the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read the third time and passed, to which the concurrence of the Senate is requested, to wit:

House bill, No. 57; To amend an act entitled, "an act further to amend the act entitled, an act to prohibit the issuing and circulating unauthorized bank paper, passed January 27, 1816, and to repeal certain acts and parts of acts therein named," passed March 23, 1840;

House bill, No. 174; To incorporate the Odd Fellows Lodge of Marietta;

House bill, No. 168; For the relief of Fitzaland Jennings, of Scott township, Sandusky county;

House bill, No. 204; To amend an act entitled, an act for the opening roads and highways, passed March 14, 1831;

House bill, No. 207; To lay out and establish a graded state road in the counties of Holmes and Stark;

House bill, No. 215; To authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county.

Attest:

GEO. M. AYRES, Clerk.

The bills from the House were severally read the first time.

On motion of Mr. Holmes,

The Senate took up House bill (No. 67) to authorize the Fund Commissioners of Hamilton county to purchase certain real estate; when the same was amended, and,

Ordered to its third reading and final passage on to-morrow.

Mr. Bartley moved the Senate take up Senate bill, No. 9, to fix the seat of justice of Lucas county; which was lost.

The Speaker presented a special report from the Board of Public

Works, in answer to a resolution of the Senate, relative to the claim of H. R. Deming; which was laid on the table.

[See Vol. Pub. Doc., No. 67.]

On motion of Mr. Thomas,

The Senate took up Senate bill, No. 101, to incorporate the Troy and Stillwater Turnpike Company.

The question pending, being on agreeing to the amendment reported by the committee on Corporations, to insert at the close of section 7, the words:

"Provided, That the stockholders are deemed to be, and they are hereby held to be, individually liable for all the debts of said company."

Mr. Goodin called for the yeas and nays, and they were ordered, when the same were taken and carried, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

The bill was further amended, and,

Ordered to be engrossed for its third reading and final passage on to-morrow.

On motion of Mr. Walton,

The Senate took up the resolution from the House, for printing one thousand copies of the acts regulating the times of holding the courts; when the same was amended and agreed to.

Ordered, That the House of Representatives be informed thereof.

Mr. Taylor offered a resolution; which was amended and agreed to, as follows:

Resolved, by the Senate and House of Representatives, That both branches of this General Assembly will meet in the hall of the House, on Friday the 18th inst., at 3 o'clock, P. M., for the purpose of electing one associate judge for the county of Licking; one associate judge for the county of Meigs; one associate judge for the county of Columbiana; two associate judges for the county of Morgan; one associate judge for the county of Adams; two associate judges for Belmont county; two associate judges for Hocking county; one associate judge for the county of Union; one associate judge for the county of Coshocton; and one major general of the 8th division of the Ohio militia.

Ordered to the House for concurrence.

On motion of Mr. Ford,

The Senate took up the communication of the Auditor of State, relative to depreciated bank paper, the literary fund, and drafts to turnpike companies, when so much as relates to turnpike companies, was

referred to the committee on Railroads and Turnpikes, and the remainder was referred to the standing committee on Finance.

On motion of Mr. Robbins,

The Senate took up House bill, No. 76; to repeal the act incorporating the town of Hillsborough, in the county of Highland.

The question being upon the indefinite postponement of the bill, it was taken and lost.

The bill was then,

Ordered to its third reading in order to its final passage on to-morrow.

Mr. Waddle, according to previous notice, introduced a bill for the relief of the Bank of Wooster, Franklin Bank of Columbus, and the Bank of Chillicothe; which was read the first time.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Walton,

The Senate resolved itself into committee of the whole, Mr. Ford in the chair, upon the special orders of the day, being House bill, No. 39, to provide for the valuation and sale of the canal lands belonging to the State of Ohio, and also to amend the acts now in force in relation thereto, with the amendments of the committee on Public Lands; and after some time spent therein, the committee rose, and reported back the Senate amendments, with sundry amendments thereto, when,

On motion of Mr. Spangler,

The bill and amendments were recommitted to the standing committee on Finance.

On motion of Mr. Nash,

The Senate adjourned until to-morrow morning ten o'clock.

Attest:

THOMAS J. MORGAN, *Clerk*.

By J. H. DUBBS, *Assistant*.

THURSDAY, FEBRUARY 17, 1842.

The Senate met pursuant to adjournment.

Mr. Bartley presented a petition of citizens of Richland county, praying the repeal of the act incorporating the Oberlin Collegiate Institute; which was

Referred to the standing committee on Corporations.

Mr. Aten presented a petition for the establishment of a graded

State road from Youngstown, Trumbull county, to East Liverpool, in Columbiana county; which was

Referred to Messrs. Aten and Crowell to report thereon.

Mr. Crowell presented the petition of Marvin Hyde, praying for a divorce from his wife Sophia Hyde; which, with the accompanying papers, was

Referred to the Judiciary committee.

Mr. McConnell presented petitions of citizens of Morgan county, praying that blacks and mulattoes may be permitted to give testimony in courts of justice; which was

Referred to the Judiciary committee.

Mr. McConnell, also, presented a petition from citizens of Morgan county, praying that blacks and mulattoes be permitted to participate in the benefits of the school fund;

Referred to the Judiciary committee.

Mr. McConnell, also, presented petitions from citizens of Morgan county, praying the repeal of the fugitive law;

Referred to the Judiciary committee.

Mr. McConnell, also, presented a petition from citizens of Morgan county, praying the passage of a law allowing to every human being the right of trial by jury;

Referred to the Judiciary committee.

Mr. McConnell, also, presented a petition from citizens of Morgan county, praying the passage of a law making cities and towns liable for damages done by mobs;

Referred to the Judiciary committee.

Mr. Ford presented a remonstrance of citizens of Cuyahoga county, against any increase of taxation in said county; which was

Referred to the committee on Finance.

Mr. Van Vorhes presented a petition from citizens of Brown township, Athens county, praying the passage of a law confirming the leases heretofore granted for section 29; which was

Referred to Mr. Van Vorhes.

Mr. Van Vorhes presented a petition from citizens of Meigs and Athens county, praying the location of a State road from Pomeroy, in Meigs county, to New Albany, in Athens county; which was

Referred to Mr. Van Vorhes.

Mr. Hazeltine, from the standing committee on Agriculture, Commerce and Manufactures, to whom was referred a petition praying the passage of a resolution instructing our Senators, and requesting our Representatives in Congress, to procure an appropriation to complete the improvement of the navigation of the Ohio river, asked to be discharged from the subject, and that the petitioners have leave to withdraw their papers; which was agreed to.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to whom was referred so much of the Auditor's communication as relates to turnpike drafts, reported the following preamble and resolutions, which were agreed to, and

Ordered to the House for concurrence:

Whereas, notice has been given, by the Fund Commissioners, to the several Turnpike Companies of the state, and to the Auditor of State, that no funds are provided for the payment of the Auditor's warrants upon the state subscription; and, whereas, it is represented to this General Assembly, by the Auditor of State, that demands for further warrants are still made upon his department, while those outstanding are running to protest, and invoking costs and claims for interest and damages; therefore,

Resolved by the General Assembly of the State of Ohio, That the Auditor of State be and he is hereby authorized and directed to suspend the further issue of warrants upon the treasury, under the provisions of the "act to authorize a loan of credit by the state to Railroad Companies," &c., passed March 24, 1837, and the acts amendatory thereto, until the Fund Commissioners give notice that funds are provided for the payment of the same.

Resolved, That the Auditor of State shall continue to receive and file the reports of said Turnpike Companies, that each may have precedence according to its date.

Resolved, That the Auditor communicate a copy of these resolutions to the President of each interested Turnpike Company in the state immediately upon the passage thereof.

Mr. Harria, from the standing committee on Claims, to whom was referred the petition of Rufus Bixby for additional compensation for labor performed on the National Road, asked to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his papers; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, to whom petitions on that subject were referred, reported a bill (Senate No. 146,) to repeal an act entitled "an act to incorporate the Oberlin Collegiate Institute," passed February 2, 1834; which was read the first time.

The following bills were reported from select committees, and read the first time:

By Mr. Aten, Senate, No. 147; A bill to lay out and establish a graded State road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county;

By Mr. McConnell, Senate, No. 148; A bill to authorize the trustees of the Methodist Episcopal Parsonage, in Malta circuit, Ohio Conference, to sell certain lots;

By Mr. Goodin, Senate No. 149; A bill to incorporate the Findlay Literary Lyceum, in the county of Hancock.

Ordered, That the House of Representatives be informed thereof.

The following bills were read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 144; A bill to incorporate the Turnpike of Malta, in the county of Morgan;

S. No. 145; A bill for the relief of the Bank of Wooster, Franklin Bank of Columbus, and the Bank of Chillicothe;

H. No. 57; A bill to amend an act entitled an act further to amend the act entitled "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816; and to repeal certain acts and parts of acts therein named, passed March 23, 1840;

H. No. 174; A bill to incorporate the Odd Fellows' Lodge, of Marietta;

H. No. 168; A bill for the relief of Fitzaland Jennings, of Scott township, Sandusky county;

H. No. 204; A bill to amend an act entitled "an act for the opening and regulating roads and highways," passed March 14, 1831;

H. No. 207; A bill to lay out and establish a graded State road in the counties of Holmes and Stark;

H. No. 215; A bill to authorize the County Commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county.

The following bills were severally read a third time and passed:

S. No. 101; An act to incorporate the Troy and Stillwater Turnpike Company;

Ordered, That the title be as aforesaid, and that the concurrence of the House be requested.

H. No. 76; An act to repeal the act incorporating the town of Hillsborough, in the county of Highland;

H. No. 87; An act to authorize the Fund Commissioners of Hamilton county to purchase certain real estate, with one amendment;

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Mr. Bartley moved the Senate take up Senate bill No. 9, fixing the seat of justice of Lucas county.

Mr. Nash moved the Senate resolve itself into committee of the whole, upon the orders of the day; which was lost.

The question recurring upon taking up the bill,

Mr. Bartley called for the yeas and nays, and they were ordered, when the same was taken and carried—yeas 19, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Waddle and Walton—19.

Nays—Messrs. Carpenter, Clark, Dewey, Godman, Latham, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Speaker—14.

So the bill was taken up.

The question pending, being upon agreeing to an amendment to the amendment reported by the committee on New Counties, as follows:

Sec— That the commissioners aforesaid, after having agreed upon the place for the seat of justice of said county, shall make report thereof to the next supreme court to be held in said county.

Sec— That until the said seat of justice shall be permanently loca-

ted, the court of common pleas, and supreme court, shall be holded at the court house in Maumee City.

Mr. Thomas called for a division,

So the question turned upon the first branch of the amendment,

Mr. Thomas called for the yeas and nays, and they were ordered, when the same was taken and carried—yeas 23, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Perkins, Ritchey, Robbins, Sill, Spangler, Stanton, Taylor, Waddle, Walton and Speaker—23.

Nays—Messrs. Carpenter, Clark, Dewey, Foos, Godman, Latham, Nash, Ream, Root, Thomas, Van Vorhes and Wade—12.

So the first branch of the amendment was agreed to.

The question then recurred upon the second branch of the amendment,

Mr Spangler called for the yeas and nays, and they were ordered, when the same was taken and carried—yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ritchey, Robbins, Spangler, Taylor, Waddle and Walton—19.

Nays—Messrs. Carpenter, Clark, Dewey, Foos, Godman, Latham, Nash, Perkins, Ream, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Speaker—16.

So the amendment to the amendment was agreed to.

The question then turned upon the amendment as amended, the original branch of which is as follows:

That William Gilliam, of Perry county, Vincent D. Eneyart, of Butler county, and John B. Pasey, of Clinton county, be and they are hereby appointed Commissioners, whose duty it shall be to review and relocate the seat of justice of Lucas county, and in their proceedings they shall, in all things, be governed by the provisions of the act entitled "an act establishing seats of justice," passed February 3, 1824, and shall receive the same compensation in manner and form as provided for in said act.

Mr. Clark moved to strike out the name of William Gilliam, of Perry county; which was lost.

Mr. Clark moved to strike out Vincent D. Eneyart, of Butler county; which was lost.

Mr. Nash called for the yeas and nays on agreeing to the amendment as amended, which were ordered, when the question was taken and carried—yeas 20, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Sill, Spangler, Waddle, Walton and Speaker—20.

Nays—Messrs. Carpenter, Clark, Dewey, Foos, Latham, Nash, Root, Stanton, Van Vorhes and Wade—10.

The bill as amended was then

Ordered to be engrossed in order to its third reading and final passage on to-morrow.

Mr. McConnell, from the standing committee on Canals, to whom was referred petitions in relation to the southern termination of the Ohio canal, asked to be discharged from the same, and that the petitioner have leave to withdraw his papers; which was agreed to.

On motion of Mr. Hazeltine,

The Senate took up House bill No. 84, to provide for the revaluation of section twenty nine, in Union township, Butler county.

The question pending being upon the indefinite postponement of the bill, was decided in the negative.

The bill was then recommitted to the standing committee on the Judiciary.

On motion of Mr. Holmes,

The Senate resolved itself into a committee of the whole, Mr. Nash in the chair, on the orders of the day, and after some time spent therein, the committee rose, and reported back sundry bills without amendment, viz:

H. No. 137—A bill to divorce John A. Ackley from his wife Caroline Ackley;

H. No. 138—A bill to incorporate Columbia Lodge, number 44, of Free and Accepted Masons, in the town of Miami, in the county of Hamilton;

H. No. 139—A bill to incorporate the German Methodist Episcopal Church of Marietta, in Washington county;

H. No. 140—A bill to incorporate the First Regular Baptist Church, of Green township, Richland county;

H. No. 142—A bill to amend an act for the inspection of certain articles therein enumerated, passed March 9, 1831;

H. No. 145—A bill to amend the act entitled "an act for the punishment of crimes," passed March 7, 1835;

H. No. 149—A bill to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township officers;

H. No. 150—A bill to authorize the sale of school section, number sixteen, in Clinton township, in the county of Lucas;

Nos. 137, 142, 145, were referred to the standing committee on the Judiciary;

Nos. 138, 139, 140, were referred to the standing committee on Corporations;

No. 150, was referred to the standing committee on Schools and School Lands.

On motion of Mr. Harris,

The Senate again resolved itself into committee of the whole, Mr. Root in the chair, on the orders of the day, and after some time spent therein, the committee rose, and reported sundry bills without amendment, viz:

H. No. 151—A bill to incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county;

H. No. 152—A bill to alter a certain state road in Allen and Putnam counties;

H. No. 154—A bill to incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga;

H. No. 160—A bill to incorporate the Myrtle tree Baptist Church of Lawrence county;

H. No. 161—A bill to incorporate the Symmes' creek Baptist Church, in Lawrence county;

H. No. 162—A bill to divorce Esther A. Creain from her husband Andrew L. Creain;

H. No. 164—A bill to change the name of the town of Vienna, in the county of Clinton;

H. No. 165—A bill for the relief of the Willoughby University of Lake Erie;

H. No. 166—A bill to incorporate the Fifth Street Baptist Church of Cincinnati, Hamilton county;

H. No. 169—A bill to provide for the sale of the residue of section 26, in Columbia township, in Meigs county;

Nos. 151, 154, 160, 161 and 166, were referred to the standing committee on Corporations;

No. 152, was referred to the standing committee on Roads and Highways;

Nos. 162 and 164, were referred to the committee on the Judiciary;

No. 165, was referred to the standing committee on Medical Colleges and Universities;

No. 169, was referred to the standing committee on Schools and School Lands,

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the two first amendments to House bill No. 123, and disagreed to the last.

The House has agreed to the Senate amendments to House amendments to Senate bill No. 51.

The House has passed Senate bill No. 73, with amendments, to which the concurrence of the Senate is requested.

A bill for the relief of Owen Martin, Daniel Priggs, Benjamin Opp, and Felix Cull.

Attest:

GID. M. AYERS, *Clerk.*

The House amendments to Senate bill No. 73, were considered and agreed to, except the second, which was disagreed to.

Mr. Hazeltine moved the Senate insist upon its last amendment to House bill No. 123, disagreed to by the House, viz:

That the corporators and trustees shall be jointly and severally liable in their individual and natural capacities for the payment of all

debts and liabilities contracted by the company or officers thereof; upon which question,

Mr. Holmes called for the yeas and nays; and they were ordered, when the same was taken and lost, yeas 14, nays 18, as follows to wit:

Yeas—Messrs. Aten, Clark, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Walton, and Speaker—14.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Harris, Nash, Perkins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, and Waddle—18.

Mr. Nash moved to recede from their amendment.

Mr. Holmes moved to lay the bill upon the table; which was lost.

The question was then taken on receding from the Senate amendment, and carried, yeas 18, nays 15, as follows to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Harris, Nash, Perkins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

Nays—Messrs. Aten, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Walton and Speaker—15.

So the Senate receded from its amendment.

Ordered, That the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution appointing Trustees for the Deaf and Dumb Asylum.

Attest:

GID. M. AYRES, *Clerk*.

On motion of Mr. Walton,

The resolution was referred to the standing committee on Public Institutions.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the resolution of the Senate, in relation to G. Nelson Cumming, with one amendment, to which the concurrence of the Senate is requested.

Attest:

GID. M. AYRES, *Clerk*.

On motion of Mr. Walton,

The resolution in relation to the claim of G. N. Cumming, was ordered to lie on the table.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Foss in the chair, and after some time spent therein, the committee rose and reported sundry bills, viz:

H. No. 170—A bill to confirm and legalize the judicial and ministerial acts of Wales B. Bonney, a Justice of the Peace, of Oxford township, in the county of Butler.

Recommitted to the standing committee on the Judiciary.

H. No. 171—A bill to incorporate the Roman Catholic Church, in Vernon township, Richland county, under the name and style of the Church of Jesus' Heart.

Recommitted to the standing committee on Corporations.

H. No. 173—A bill to review and locate so much of the State road leading from Mount Pleasant, in the county of Jefferson, to Martinsville in the county of Belmont, as lies between the Little Fork of Short creek and Glenn's run.

Recommitted to the standing committee on Roads and Highways.

H. No. 176—A bill to incorporate the Second Presbyterian Church of Oxford, in the county of Butler.

Recommitted to the standing committee on Corporations.

H. No. 178—A bill to incorporate the First Baptist Society of Huntingdon, Lorain county, Ohio.

Recommitted to the standing committee on Corporations.

H. No. 144—A bill further to amend the act entitled "an act to regulate the practice of Judicial courts," passed March 8, 1831.

Recommitted to the standing committee on the Judiciary.

H. No. 167—A bill to authorize the sale of school section, number sixteen, in the township of Chatfield, Crawford county; and, also, to repeal an act entitled "an act to provide for the sale of section sixteen, in township, number one, in range seventeen, in Crawford county," passed March 23, 1837.

Recommitted to the standing committee on Schools and School Lands.

On motion of Mr. Ford,

The Senate again resolved itself into committee of the whole, Mr. Walton in the chair, on the orders of the day, and after some time spent therein, the committee rose and reported sundry bills to the Senate, viz:

H. No. 182—A bill to amend an act entitled "an act to incorporate the borough of Conneaut," passed January 4, 1834.

Recommitted to the standing committee on Corporations.

H. No. 184—A bill to authorize the commissioners of Henry county to borrow money.

Recommitted to the standing committee on Finance.

H. No. 185—A bill to incorporate the Regular Baptist Church of Bethel, in Madison township, Franklin county.

Recommitted to the standing committee on Corporations.

H. No. 186—A bill to incorporate the Wardens, Vestrymen, and

Associate Members of the Parish of St. Paul's Church, of the town of Lower Sandusky.

Recommitted to the standing committee on Corporations.

H. No. 189—A bill to provide for the renumbering the lots in the city of Dayton.

Recommitted to the standing committee on Corporations.

H. No. 190—A bill to incorporate the First Regular Baptist Church of Neville, in Clermont county.

Recommitted to the standing committee on Corporations.

H. No. 191; A bill for the relief of Robert Dunham, Abram Teetor, and William Roudebush, sund commissioners of Clermont county.

Recommitted to the standing committee on Schools and School Lands.

H. No. 192; A bill for the relief of the mayor, recorder and trustees of the town of Dresden, in Muskingum county.

Recommitted to the standing committee on the Judiciary.

H. No. 193; A bill to authorize the commissioners of Williams county to levy an additional tax for road purposes.

Recommitted to the standing committee on Roads and Highways.

H. No. 197; A bill to incorporate the Anshi Chesmed Congregation of the city of Cleveland.

Recommitted to the standing committee on Corporations.

H. No. 198; A bill to incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll.

Recommitted to the standing committee on Corporations.

On motion of Mr. Perkins,

The Senate again resolved itself into committee of the whole, Mr. Stanton in the chair, and after some time spent therein, the committee rose, and reported back sundry bills to the Senate, to wit:

S. No. 10; A bill to compensate sufferers by riots.

Recommitted to the standing committee on the Judiciary.

H. No. 199; A bill to incorporate the First Congregational Society of Geneva, Harpersfield and Saybrook, in the county of Ashtabula.

Recommitted to the standing committee on Corporations.

H. No. 201; A bill to change the name of the town of Martinsburg, in the county of Holmes.

Recommitted to the standing committee on Corporations.

H. No. 202; A bill to incorporate the town of Benton, in Holmes county.

Recommitted to the standing committee on Corporations.

H. No. 200; A bill to incorporate the town of Lima, in the county of Allen.

Recommitted to the standing committee on Corporations.

H. No. 203; A bill to incorporate the town of Galion, in the county of Richland.

Recommitted to the standing committee on Corporations.

H. No. 207; A bill to lay out and establish a graded state road in the counties of Holmes and Stark.

Recommitted to the standing committee on Roads and Highways.

H. No. 204; A bill to amend an act entitled, "an act for the opening and regulating roads and highways," passed March 14, 1831.

Recommitted to the standing committee on Roads and Highways.

H. No. 168; A bill for the relief of Fitzaland Jennings, of Scott township, Sandusky county.

Recommitted to the standing committee on Schools and School Lands.

H. No. 174; A bill to incorporate the Odd Fellows Lodge of Marietta.

Recommitted to the standing committee on Corporations.

On motion of Mr. Wade,

The Senate adjourned until to-morrow morning 10 o'clock.

Attest:

THOMAS J. MORGAN, *Clerk.*

By J. H. DUBBS, *Assistant.*

FRIDAY, FEBRUARY 18, 1842.

The Senate met pursuant to adjournment.

Mr. Hazeltine presented a petition from citizens of Preble county, for the incorporation of a turnpike company.

Referred to Mr. Hazeltine to report thereon.

Mr. Godman presented a petition from citizens of Marion county, praying a law to tax the property of colored persons for school purposes, and to admit such colored persons to the privileges of the school funds.

Referred to the committee on the Judiciary.

Mr. Godman also presented a petition from citizens of Marion county, praying the repeal of the law prohibiting blacks and mulattoes from testifying in courts of justice.

Referred to the standing committee on the Judiciary.

Mr. Godman also presented a petition from citizens of Marion county, praying the passage of a law rendering towns and cities liable for damages done by mobs.

Referred to the standing committee on the Judiciary.

Mr. Godman also presented a petition from citizens of Marion county, praying the repeal of the fugitive law, and all other laws making distinction as to color.

Referred to the Judiciary committee.

Mr. Foos presented sundry papers in relation to the Goshen, Wilmington and Columbus Turnpike Company.

Referred to the standing committee on Railroads and Turnpikes.

Mr. Latham presented the petition of Thomas Worthington and A. McCann, for the construction of a feeder to the Hocking Valley Canal, at the Hocking Falls.

Referred to the standing committee on Canals.

Mr. Waddle presented the report of the Clark county Agricultural Society.

Referred to the standing committee on Agriculture, Commerce and Manufactures.

Mr. Taylor presented a petition from citizens of Licking county, praying an amendment to the law, so as to authorize justices of the peace to tax costs, in criminal cases, to the prosecuting witness, when thought advisable; which was

Laid on the table.

Messrs. Ford and Taylor presented petitions of citizens of Cleveland, praying the speedy passage of the resumption bill, to take effect on the 4th day of March.

Laid on the table.

Mr. Holmes, from the standing committee on Corporations, reported back the following bills, with sundry amendments, which were agreed to, and the bills

Ordered to their third reading and final passage on to-morrow—to wit:

H. No. 202—A bill to incorporate the town of Denton, in Holmes county;

H. No. 199—A bill to incorporate the First Congregational Society of Geneva, Harpersfield and Saybrook, in the county of Ashtabula;

H. No. 197—A bill to incorporate the Anshi Chesmed Congregation of the city of Cleveland;

H. No. 198—A bill to incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll;

H. No. 190—A bill to incorporate the First Regular Baptist Church of Neville, in Clermont county;

H. No. 186—A bill to incorporate the Wardens, Vestrymen and Associate Members of the Parish of St. Paul's Church, of the town of Lower Sandusky;

H. No. 185—A bill to incorporate the Regular Baptist Church of Bethel, in Madison township, Franklin county;

H. No. 182—A bill to incorporate the Regular Baptist Church of Jesus Christ, in the town of Windsor, in Richland county;

H. No. 166—A bill to incorporate the Fifth street Baptist Church of Cincinnati, Hamilton county;

H. No. 171—A bill to incorporate the Roman Catholic Church in Vernon township, Richland county, under the name and style of the Church of Jesus' Heart;

H. No. 203—A bill to incorporate the town of Galion, in the county of Richland;

H. No. 200—A bill to incorporate the town of Lima, in the county of Allen;

H. No. 161—A bill to incorporate the Symmes creek Baptist Church in Lawrence county;

H. No. 160—A bill to incorporate the Myrtle tree Baptist Church of Lawrence county;

H. No. 170—A bill to incorporate the First Regular Church and Society of Henrietta, in Lorain county.

Mr. Holmes, from the same committee, reported House bill, No. 201, to change the name of the town of Martinsburg, in the county of Holmes, with one amendment, which was agreed to.

Mr. Waddle moved to lay the bill upon the table; which was lost.

The question then turned on ordering the bill to a third reading.

Mr. Nash called for the yeas and nays, and they were ordered, when the same was taken and carried—yeas 19, nays 11, as follows, viz:

Yeas—Messrs. Aten, Barnett, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Van Vorhes, Wade and Walton—19.

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Godman, Nash, Perkins, Root, Stanton, Thomas and Speaker—11.

So the bill was

Ordered to its third reading and final passage on to-morrow.

Mr. Clark, from the standing committee on Medical Colleges and Universities, to which was recommitted House bill No. 165, for the relief of the Willoughby University of Lake Erie, reported the same back without amendment, when,

On motion of Mr. Goodin,

The bill was recommitted to the standing committee on Finance.

Mr. Ford, from the standing committee on Railroads and Turnpikes, submitted the following report, which was agreed to:

The standing committee on Railroads and Turnpikes, to which was referred the petitions of citizens of the counties of Wood and Sandusky, have considered the same, and report:

The petitioners set forth that they are grievously oppressed by reason of being required to pay tolls on the Western Reserve and Maumee Road, such as other people pay. That road is under the direction of the Board of Public Works, by which board the tolls are fixed. The National road is under a similar regulation, and there is now no complaint. The committee are well aware that it is difficult for people, who are benefitted by a public work of this kind, built by taxes on the whole people, to see why they should pay for the use of the work. The committee see no inequality in the operation of the law, nor any necessity for amendment. They, therefore, ask to be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

27—S. J.

Mr. Waddle, from the standing committee on Roads and Highways, reported back the following bills, with sundry amendments; which were agreed to, when the bills were

Ordered to their third reading and final passage on to-morrow:

H. No. 152—A bill to alter a certain State road in Allen and Putnam counties;

H. No. 207—A bill to lay out and establish a graded State road in the counties of Holmes and Stark;

H. No. 173—A bill to review and locate so much of the State road leading from Mount Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek and Glenn's Run.

Mr. Nash, from the standing committee on Schools and School Lands, reported back the following bills without amendment; when they were severally

Ordered to their third reading and final passage on to-morrow:

H. No. 168—A bill for the relief Fitzaland Jennings, of Scott township, Sandusky county;

H. No. 191—A bill for the relief of Robert Dunham, Abram Teeter and William Roudebush, Fund Commissioners of Clermont county.

Mr. Nash, from the standing committee on Colleges and Universities, to whom was recommitted Senate bill No. 15, further to amend the several acts establishing the Miami University, reported the same back without amendment.

Mr. Hazeltine moved the further consideration of the bill be postponed to the first Monday of December next; upon which question he called the yeas and nays, and they were ordered, when the same was taken and lost; yeas 10, nays 21, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ream, Taylor, Walton, and Speaker—10.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foss, Godman, Harris, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Spangler, Stanton, Thomas, Van Vorhes, Wade, and Waddle—21.

On motion of Mr. Thomas,

The bill was ordered to lie upon the table.

Mr. Nash, from the select committee to whom petitions on that subject were referred, reported a bill (Senate No. 150,) to incorporate the Farmers Steam Mill Company, in the county of Gallia; which was read the first time.

Ordered, That the House of Representatives be informed thereof.

The following bills were read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

Senate No. 146; A bill to repeal the act entitled, "an act to incorporate the Oberlin Collegiate Institute," passed February 2, 1834.

Senate No. 147; A bill to lay out and establish a graded state road

rom Youngstown, in Trumbull county, to East Liverpool, in Columbiana county.

Senate No. 148; A bill to authorize the trustees of the Methodist Episcopal Parsonage in Malta circuit, Ohio Conference, to sell certain lots.

Senate No. 149; A bill to incorporate the Findlay Literary Lyceum, in the county of Hancock.

Senate No. 140; An act to lay out and establish a graded state road from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, in the county of Ross, was read a third time, amended by way of rider, and passed.

Ordered, That the title be as aforesaid, and the concurrence of the House be requested.

House No. 20; An act to amend an act entitled, "an act to incorporate the town of New Lisbon, in the county of Columbiana, was read the third time and passed.

Ordered, That the title be as aforesaid, and that the House of Representatives be informed thereof.

Senate No. 9; An act to confirm and establish the seat of justice of Lucas county, was read a third time.

The question being, "Shall the bill pass?" the same was taken and carried; yeas 22, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Crowell, Ford, Foos, Goodin, Harris, Hazeltine, Holmes, Hestetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, Waddle, Walton, and Speaker—22.

Nays—Messrs. Carpenter, Clark, Dewey, Godman, Latham, Nash, Perkins, Root, Stapton, Thomas, Van Vorhes, and Wade—12.

So the bill was passed.

Ordered, That the title be, an act to provide for the review of the seat of justice of Lucas county, and for the temporary location thereof; and that the concurrence of the House be requested.

The Speaker presented a special report of the Secretary of State, in reply to a resolution of the Senate, relative to copies of Ohio Reports furnished sundry counties, which

On motion of Mr. Walton,

Was referred to the standing committee on the Judiciary.

SECRETARY OF STATE'S OFFICE,
February 17, 1842.

The Honorable the Speaker of the Senate:

The Secretary of State has the honor to report to the honorable the Senate, in compliance with their resolution of the 18th inst. "That the Secretary of State be requested to report to the Senate, at as early a day as practicable, a statement showing what numbers or volumes, if any, of the Ohio Reports, have been furnished by the State at any time heretofore, to the following counties respectively, to wit: the county of Erie, the county of Lucas, the county of Scioto,

and the county of Union;" that for the county of Scioto, there has been furnished for the years 1827, 28, 29, 30, 31, 34, 35, 38, 39, 40, and 41, eleven numbers of said reports.

For the county of Union, for the years 1827, 28, 29, 30, 31, 33, 34, 35, 38, 39, 40, and 41, twelve numbers of said reports.

For the county of Erie, for the years 1838, 1839, and 1841, three numbers of said reports;

For the county of Lucas, for the years 1838, 1839, 1840, and 1841, four numbers of said reports;

All of which have been received by the proper officers of said counties, as appears by their receipts on file in this office.

The foregoing is all the information which the documents in this department enable the undersigned to furnish on the subject of the resolution, and which is respectfully submitted.

J. SLOANE, *Secretary of State.*

Mr. Aten, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have compared and found correctly enroled the following acts, to wit:

An act further to amend the act entitled, "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the State of Ohio," passed February 23, 1839, and to enforce the resumption and continuance of specie payments by the banks within the state of Ohio.

An act to confirm and legalize the name of Joseph A. Roof.

An act to incorporate the town of Pleasant Valley, in the county of Madison.

An act to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby.

An act to incorporate the Monumental Methodist Episcopal Church, of the town of Eaton, Preble county.

An act to incorporate the town of Antrim, in the county of Geauga.

An act to incorporate the Wardens and Vestry of Grace Church, in Cincinnati.

An act to incorporate the Hook and Ladder Company of Hudson, in the county of Summit.

An act to incorporate the Union Library Association of Richmond, in the county of Ashland.

An act to incorporate the Rector, Church Wardens, and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed Senate bill No. 42, further to amend the act entitled, an act to provide for the appointment of Bank Commissioners, and for the regulation of banks in the state of Ohio, passed February 25, 1839, and to enforce the resumption and

continuance of specie payments by the banks within the state of Ohio.

Attest:

GID. M. AYERS, *Clerk.*

The Speaker of the Senate signed the above enrolled bill.

Message from the House of Representatives.

Mr. Speaker:

The House of Representatives are prepared to receive the Senate, and proceed to certain elections.

Attest:

GID. M. AYERS, *Clerk.*

On motion of Mr. Spangler,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and, being seated within the bar of the House, both Houses proceeded, in pursuance of a joint resolution previously adopted for that purpose, to elect one associate judge for the county of Licking.

The following was the declared result of the balloting:

For Daniel Martin.....	55 votes.
" Blanks and scattering	36 "

Daniel Martin, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Licking, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Meigs, and

The following was the result of the balloting:

For William Ledlie	51 votes.
" Blanks and scattering	38 "

William Ledlie, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Meigs, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Columbiana, and

The following was the result of the balloting:

For Jacob Roller	54 votes.
" Blanks and scattering.....	28 "

Jacob Roller, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Columbiana, for the constitutional term of seven years from and after the end of the present session of the General Assembly.

The two Houses next proceeded, as aforesaid, to elect two associate judges for the county of Morgan, and

The following was the result of the balloting:

For Jesse M. Stone	58 votes.
" William Durbin	59 "
" Blanks and scattering	30 "

Jesse M. Stone and William Durbin, having received a majority of all the votes given, were declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county of Morgan, for the constitutional term of seven years each;

The term of service of Jesse M. Stone to commence from and after this day, and

The term of service of William Durbin, to commence from and after the rising of the present session of the General Assembly.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Adams, and

The following was the result of the balloting:

For Joseph Eyler	70 votes.
" Blanks and scattering	13 "

Joseph Eyler, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Adams, for the constitutional term of seven years from and after the 18th day of March, 1842.

The two Houses next proceeded, as aforesaid, to elect two associate judges for the county of Belmont, and

The following was the result of the balloting:

For George W. Hazen	55 votes.
Wm. Wilkins	55 "
Blanks and scattering	32 "

George W. Hazen and William Wilkins, having received a majority of all the votes given, were declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county of Belmont, for the constitutional term of seven years each; the term of service of George W. Hazen to commence from and after this day, and the term of service of William Wilkins to commence from and after the 21st day of June, 1842.

The two Houses next proceeded, as aforesaid, to elect two associate judges for the county of Hocking.

The following was the result of the balloting:

For Eli Barker	54 votes.
James Spencer	54 "
Blanks and scattering	33 "

Eli Barker and James Spencer, having received a majority of all the votes given, were declared, by the Speaker of the Senate, in the presence of both Houses, duly elected associate judges for the county

of Hocking, for the constitutional term of seven years, each; the term of service of Eli Barker to commence from and after this day, and the term of service of James Spencer to commence from and after the 21st day of June, 1842.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Union.

The following was the result of the balloting:

For James R. Smith.....	57 votes.
Blanks and scattering.....	25 "

James R. Smith, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Union, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one associate judge for the county of Coshocton.

The following was the result of the balloting:

For Benjamin R. Shaw	55 votes.
Blanks and scattering.....	24 "

Benjamin R. Shaw, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected an associate judge for the county of Coshocton, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one Major General for the 8th Division, Ohio Militia.

The following was the result of the balloting:

For John J. Higgins.....	70 votes.
Blanks and scattering.....	12 "

John J. Higgins, having received a majority of all the votes given, was declared, by the Speaker of the Senate, in the presence of both Houses, duly elected a Major General for the 8th Division of the Ohio Militia; the term of service to commence from and after this day.

The elections being through with, the members of the Senate returned to the Senate Chamber.

On motion of Mr. Stanton,

The Senate took up Senate bill No. 109, to quiet land titles in the Virginia Military Land District, with the pending amendments; which were agreed to; when,

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on the Judiciary.

Mr. Taylor gave notice, that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to repeal the act incorporating the Granville Alexandrian Society, commonly called the "Granville Bank."

On motion of Mr. Van Vorhes,

The Senate took up the special report of the Board of Public Works relative to the claim of Hiram B. Deming; when the same was referred to the standing committee on Canals.

On motion of Mr. Ford,

The Senate resolved itself into committee of the whole, Mr. Harris in the chair, upon the orders of the day; and after some time spent therein, the committee rose and reported the following bills to the Senate, to wit:

S. No. 139; A bill to incorporate the town of Rosseau, in the county of Morgan.

Recommitted to the standing committee on Corporations.

S. No. 142; A bill to incorporate the St. John's Church, of Liverpool township, Columbiana county.

Recommitted to the standing committee on Corporations.

S. No. 143; A bill to incorporate the Wilkesville Lyceum, in the county of Gallia.

Recommitted to the standing committee on Corporations.

S. No. 144; A bill to incorporate the town of Malta, in the county of Morgan.

Recommitted to the standing committee on Corporations.

S. No. 145; A bill for the relief of the Bank of Wooster, Franklin Bank of Columbus, and the Bank of Chillicothe.

Laid on the table.

S. No. 146; A bill to repeal the act entitled, "an act to incorporate the Oberlin Collegiate Institute," passed February 2, 1834.

Recommitted to the standing committee on the Judiciary.

On motion of Mr. Taylor,

The Senate adjourned until to-morrow morning, 10 o'clock.

Attest:

THOMAS J. MORGAN, *Clerk.*

By J. H. DUBBS, *Assistant.*

SATURDAY, FEBRUARY 19, 1842.

The Senate met pursuant to adjournment.

Mr. Carpenter presented a petition from citizens of Columbiana county, praying the repeal of all laws making distinctions as to color. Referred to the standing committee on the Judiciary.

Mr. Carpenter also presented a petition from citizens of Colum-

biana county, praying the passage of a law, making towns and cities liable for damage done by mobs.

Referred to the committee on the Judiciary.

Mr. Carpenter also presented a petition from citizens of Columbiana county, praying an amendment to the school laws so as to require of teachers a knowledge of English Grammar and Geography, in addition to the branches now required.

Referred to the standing committee on Schools and School Lands.

Mr. Hostetter presented a remonstrance of citizens of Stark county, against the claim of Robert Willet for relief.

Referred to the select committee heretofore appointed on that subject.

Mr. Latham presented a memorial of the president and city council of Chillicothe, praying that our Senators in Congress be instructed, and our Representatives be requested, to vote for a suitable appropriation for the improvement of the Ohio river.

Laid on the table without printing.

Mr. Walton, from the majority of the standing committee on the Judiciary, to whom was recommitted Senate bill No. 92, further to amend the act entitled, an act to establish an asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject," passed March 3, 1831, reported the same back with one amendment, to wit:

Strike out all after the enacting clause, and insert the following:

"That there shall be appointed by joint resolution of the General Assembly; at the present session, four trustees for the Ohio Asylum for the instruction of the Deaf and Dumb; one for four years; one for three years; one for two years, and one for one year; and every year thereafter, there shall be appointed, as aforesaid, one trustee of said asylum, who shall hold his office for the term of four years, who, together with the Governor, shall constitute the Board of Trustees of said asylum; and, hereafter, any three of the trustees of said asylum shall constitute a quorum for the transaction of business."

The question being upon agreeing to the amendment,

Mr. Root called for the yeas and nays, and they were ordered; when,

On motion of Mr. Spangler,

The bill was ordered to lie upon the table.

Mr. Harris, from the standing committee on Claims, to whom that subject was referred, reported the following resolution; which was agreed to, and,

Ordered to the House for concurrence.

Resolved, by the General Assembly of the State of Ohio, That William Domigan, sheriff of Franklin county, be paid the sum of one hundred dollars, for attendance upon, and articles furnished for, the supreme court, at its late term in Bank, and that the same be provided for in the general appropriation act.

Mr. Bartley, from the standing committee on the Judiciary, to

whom was recommitted House bill No. 133, for the relief of Jacob Darner, reported the same back, with a recommendation that it be recommitted to the standing committee on Claims; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, to whom was recommitted House bill No. 189, to provide for the renumbering the lots in the city of Dayton, reported the same back without amendment; when the bill was,

Ordered to its third reading and final passage on Monday next.

Mr. Bartley, from the standing committee on the Judiciary, to whom was recommitted Senate bill No. 10, to compensate sufferers by riots, reported the same back without amendment, with a recommendation from the majority of the committee, that the bill and pending amendments of the committee of the whole, be indefinitely postponed; upon which question,

Mr. Holmes called for the yeas and nays; and they were ordered, when the same was taken, and carried, yeas 21, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor Waddle, Walton and Speaker—21.

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Godman, Nash, Perkins, Root, Stanton, Thomas, Van Vorhes and Wade—12.

So the bill was indefinitely postponed.

Mr. Godman, from the standing committee on Canals, to whom was referred the memorial of Buckingham and Van Buskirk, submitted the following report; which was ordered to lie upon the table:

The standing committee on Canals, to which was referred the memorial of Buckingham and Van Buskirks, praying the Legislature to restrain the agents of the State from interfering with certain water privileges of the memorialists on the feeder taken to the Ohio Canal from the stream commonly called the North Fork of Licking, have had the same under consideration, and now report:

That, viewing the subject as one of no ordinary character, they have endeavored to give it that serious, careful and candid consideration which justice to the memorialists, whose property was alleged to be very injuriously affected, and to the agent of the State, whose acts were so highly censured, seemed to demand. From documentary evidence and statements, which the committee believe can be relied on, the following facts are deduced:

On the 10th of May, A. D. 1832, Alfred Kelley, Esq., then an acting commissioner on the Ohio Canal, and an agent of the State, duly authorized by law, on behalf of the State, made a contract or lease to the memorialists, whereby they were permitted the use and occupation of the surplus water which might flow in the North Fork

feeder aforesaid, over and above what might be required to supply the canal with navigation; *and so far as the rights and interests of the State were concerned*, to cause so much of the water of the North Fork of Licking to flow in said feeder as could flow therein with safety to the feeder and to the canal, and to use the same for hydraulic purposes, except what might be required for the Ohio canal. That, at the time Mr. Kelley made the lease, he did not claim that the State had the right to take the water out of the said North Fork of Licking for *hydraulic purposes*, nor did he assume to convey any such right to the memorialists; but, on the contrary, urged upon the memorialists, or their agent, the necessity and expediency of their securing "any conflicting rights between the head of the feeder and the place proposed for returning the water used at the mill into the stream, so as to prevent any dispute as to the right of the lessees of directing its waters to their mill."

The committee are strengthened in the belief that the agent of the State took this view of the matter from the fact, that, had the State owned the water, and possessed the right of leasing it, it would have been worth, at the time this lease was made, at least \$600 per annum, taking the prices as a guide for which water was at that time leased on the Ohio canal; whereas, in this case, the surplus water of the feeder, (and some surplus will in all cases accrue when the source of supply is abundant) and the right to use the feeder for flowing any additional quantity that might flow therein with safety, was valued at only \$120 per annum. The then agent of the State estimated the value of the privilege granted by the lease sufficient to repay any damages sustained by said Van Buskirk by taking water for canal purposes, to defray the expense of purchasing conflicting rights, and to pay the rent reserved by the State.

Some time in the summer of 1836, Mr. Ransom, the acting commissioner in charge of the Ohio canal, was informed by Messrs. Dille and Smith that they were the owners of a mill site on the North Fork of Licking, between the feeder dam and the mills of the memorialists, and that if the agents of the State permitted said memorialists to continue to pass the surplus water of the creek along the feeder, and past their (said Smith and Dille) mill site, after their mill should be erected, they should claim damage from the State for such diversion. Mr. Ransom soon after communicated this to the memorialists, and suggested the propriety of their quieting this claim, (if it was a just one,) or otherwise he, as agent of the State, would be compelled to prohibit the introduction of the water at the head of the feeder in any greater quantity than should be deemed necessary for canal purposes. Suits were soon after instituted between the memorialists and said Smith and Dille; and, during the winter of 1840, a decision was pronounced in the Supreme Court, in Bank, which Mr. Ransom supposed rendered it his duty, as the agent of the State, to prohibit the introduction of any more water into the feeder than should be needed for canal purposes. On the 16th of September last, Smith and Dille notified Mr. Ransom that their mill

was ready for water, and desired that their rights be restored, in accordance with the decision of the court. Accordingly, during the fall, Mr. Ransom directed the superintendent to so arrange the feeder that no more water should be introduced than sufficient for canal purposes, and to raise the waste weirs in front of the mills of the memorialists, so that the feeder could not be reduced in height. To effect this object, the water has been abstracted from the feeder.

The North Fork of Licking is a private stream. The State could not, therefore, divert the water from its original channel to be used for hydraulic purposes, without first having purchased, or otherwise quieted individual claims. This our Supreme Court has repeatedly decided, and such is the undoubted law of the land. The State not possessing the right herself to divert the water for hydraulic purposes, could not confer any such privilege upon another. Upon the plainest principles of law and common sense, a man can convey only that which he has, not that which he has not.

In making the lease to the memorialists, did the State, or its agent, undertake or assume to confer upon the memorialists the right to abstract and divert the water from the North Fork of Licking for hydraulic or any other purposes? The committee are of opinion that no such grant was intended or attempted. The language of the grant, which is almost literally recited in a former portion of this report, the committee think, is not susceptible of such a construction. On the contrary, the committee think it quite obvious that for this purpose *nothing but the use of the feeder was granted*.

If the memorialists do not quiet conflicting claims, and the agent of the State permit them to pass water for their mills along the feeder and past other proprietors of water power on the creek, there can be no doubt but the State will be bound for damages. Unless, therefore, the memorialists quiet those conflicting claims, they have no right to call upon the State for relief in any aspect whatever.

In conclusion, the committee are of opinion that the agent of the State, Mr. Ransom, pursued the only prudent course left him in the premises after the decision of the Supreme Court, hereinbefore mentioned, as any other would have subjected the State to a claim for damages.

Entertaining these views, the committee ask to be discharged from the further consideration of the subject, and that the memorialists have leave to withdraw their memorial.

Mr. Holmes, from the standing committee on Corporations, reported back the following bills of the House, with sundry amendments; which were agreed to; when the bills were severally ordered to be read a third time, in order for final passage on Monday next:

H. No. 176; A bill to incorporate the Second Presbyterian Church of Oxford, in the county of Butler;

H. No. 178; A bill to incorporate the First Baptist Society of Huntington, Lorain county;

H. No. 139; A bill to incorporate the German Methodist Episcopal Church of Marietta, in Washington county;

H. No. 151; A bill to incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county;

H. No. 140; A bill to incorporate the First Regular Baptist Church of Green township, Richland county;

H. No. 154; A bill to incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga.

Mr. Holmes, from the same committee, reported back the following bills of the Senate, with sundry amendments; which were agreed to, and the bills severally ordered to be engrossed for their third reading and final passage on Monday:

S. No. 139; A bill to incorporate the town of Roseau, in the county of Morgan;

S. No. 142; A bill to incorporate the St. John's Church of Liverpool township, Columbiana county;

S. No. 143; A bill to incorporate the Wilkesville Lyceum, in the county of Gallia;

S. No. 144; A bill to incorporate the town of Malta, in the county of Morgan.

Mr. Hazeltine, from the select committee to whom petitions on that subject were referred, reported a bill (S. No. 151,) to incorporate the Euphemia, Lewisburg, and West Alexandria Turnpike Road Company; which was read the first time.

Ordered, That the House of Representatives be informed thereof.

Mr. Holmes, from the select committee to whom was recommitment H. bill No. 105, to amend an act entitled an act for the inspection of certain articles therein enumerated, reported the same back with sundry amendments; which were agreed to, and the bill ordered to its third reading and final passage on Monday.

The following bill was read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

Senate No. 150—A bill to incorporate the Farmers' Mill Company of Gallia county.

The following bills of the House were read a third time and passed, to wit:

H. No. 203—An act to incorporate the town of Galion, in the county of Richland.

H. No. 160—An act to incorporate the Myrtle-tree Baptist Church of Lawrence county.

H. No. 152—An act to alter a certain state road, in Allen and Putnam counties.

H. No. 207—An act to lay out and establish a graded state road in the counties of Holmes and Stark.

H. No. 168—An act for the relief of Fitzland Jennings, of Scott township, Sandusky county.

H. No. 191—An act for the relief of Robert Dunham, Abram Teetor, and William Roubush, Fund Commissioners of Clermont county.

H. No. 199—An act to incorporate the First Congregational Soci-

ety of Geneva, Harpersfield, and Saybrook, in the county of Ashtabula.

H. No. 197—An act to incorporate the Anshi Chesmed Congregation of the city of Cleveland.

H. No. 190—An act to incorporate the First Regular Baptist Church of Neville, Clermont county.

H. No. 185—An act to incorporate the Regular Baptist Church of Bethel, in Madison township, Franklin county.

H. No. 182—An act to incorporate the Regular Baptist Church of Jesus Christ, in the town of Windsor, in Richland county.

H. No. 171—An act to incorporate the Roman Catholic Church in Vernon township, Richland county, under the name and style of the 'Church of Jesus' Heart.'

H. No. 198—An act to incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll.

H. No. 186—An act to incorporate the Wardens, Vestrymen, and Associate Members of the parish of St. Paul's Church of the town of Lower Sandusky.

H. No. 200—An act to incorporate the town of Lima, in the county of Allen.

H. No. 161—An act to incorporate the Symmes Creek Baptist Church, in Lawrence county.

H. No. 170—An act to incorporate the First Regular Baptist Church and Society of Henrietta, in Lorain county.

H. No. 166—An act to incorporate the Fifth Street Baptist Church of Cincinnati, Hamilton county.

H. No. 173—An act to review and locate so much of the state road leading from Mount Pleasant, in Jefferson county, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek and Glenn's Run.

Ordered, That the titles be as aforesaid, and the House of Representatives be informed thereof.

H. No. 202—An act to incorporate the town of Benton, in Holmes county, was read a third time, and recommitted to the standing committee on Corporations, with instructions to strike out the word "Benton" in the 2d line of the 1st section, and insert the word "Martinsburg."

H. No. 201—An act to change the name of the town of Martinsburg, in Holmes county, was read a third time, and indefinitely postponed.

Ordered, That the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time and passed, to which the concurrence of the Senate is requested:

H. No. 86—A bill to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company;

H. No. 92—A bill making special provision for the sale or revaluation of section twenty nine in Mill Creek township, Hamilton county;

H. No. 126—A bill to incorporate the town of Jackson, in the county of Jackson;

H. No. 131—A bill making special provisions for the sale of section twenty nine, in Sycamore township, in the county of Hamilton;

H. No. 147—A bill to amend the act entitled, "an act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837;

H. No. 170—A bill to confirm and legalize the judicial and ministerial acts of Wales B. Bonney, a justice of the peace of Oxford township, in the county of Butler, Ohio;

H. No. 175—A bill to provide for the execution and record of contracts for the sale and mortgage of personal property unaccompanied with possession;

H. No. 177—A bill to amend the act entitled an act to regulate the admission and practice of attorneys and counsellors at law;

H. No. 181—A bill to incorporate the Ohio Conference High School, in the town of Springfield, and county of Clark;

H. No. 187—A bill to incorporate the Phenix Fire Company in Canton, Stark county;

H. No. 188—A bill to incorporate the Hanover and Wellsville Railroad Company;

H. No. 205—A bill to incorporate the Lafayette University at New Carlisle, Clark county;

H. No. 213—A bill to amend an act to establish the Miami University, and appointing trustees for the same;

H. No. 240—A bill to repeal the act incorporating the president and directors of the Urbana Banking Company, and to close its affairs;

H. No. 270—A bill to amend the act fixing the times of holding the Courts of Common Pleas, for the year 1842.

The House has also passed the following bills of the Senate with amendments, to which the concurrence of the Senate is requested:

S. No. 63—A bill to amend the act entitled, "an act to amend an act entitled an act to incorporate the Stark County Mutual Insurance Company," passed March 27, 1841;

S. No. 85—A bill to incorporate the town of Bourneville.

The House has also passed the following bill, to which the concurrence of the Senate is requested:

H. No. 117—A bill to amend an act entitled an act to incorporate the town of Lebanon, in the county of Warren.

Attest:

GLD. M. AYRES, *Clerk*.

The bills from the House were severally read the first time.

On motion of Mr. Taylor,

The constitutional rule was dispensed with, and House bill No. 270, entitled an act to amend the act fixing the times of holding the courts of common pleas, for the year 1842, was read a second time.

On motion of Mr. Taylor,

The constitutional rule was again dispensed with, and the bill read a third time and passed.

Ordered, That the House of Representatives be informed thereof. The amendments of the House to Senate bills Nos. 63 and 85, were considered, and agreed to.

Ordered, That the House of Representatives be informed thereof. Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read a first time, to wit:

H. No. 258—A bill to amend the act entitled, "an act providing for the punishment of crimes," passed March 7, 1835;

H. No. 259—A bill making appropriations for the year 1842;

H. No. 260—A bill to lay out and establish a graded state road in the counties of Washington and Monroe;

H. No. 261—A bill to amend the act entitled, "an act to incorporate the Jefferson, South Charleston, and Xenia Turnpike Company," passed March 5, 1838;

H. No. 262—A bill to authorize the lessees of the residue of section sixteen, in fractional township No. 4, fractional range of townships, Miami purchase;

H. No. 263—A bill to incorporate the Greenfield Society for the detection of horse thieves;

H. No. 264—A bill to lay out and establish a state road in the counties of Williams, Henry and Hancock;

H. No. 265—A bill making an appropriation for the improvement of the Perrysburg and Bellefontaine state road;

H. No. 266—A bill to incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church of Mt. Eaton, Wayne county;

H. No. 267—A bill to incorporate the First Presbyterian Church of Waynesburg, in Stark county;

H. No. 268—A bill to amend an act entitled an act to incorporate the Barnesville Male Academy;

H. No. 269—A bill to amend an act entitled an act to incorporate the town of Bellbrook, in the county of Greene;

H. No. 270—A bill to amend the act fixing the times of holding the courts of common pleas;

H. No. 271—A bill to amend the eighth section of an act entitled an act to provide for internal improvement, by navigable canals;

H. No. 272—A bill to provide for the collection of claims against steamboats, canal boats, and other vessels, and authorizing proceedings against the same by name;

H. No. 273—A bill to authorize the commissioners of Hamilton county to purchase a part of the Cincinnati and Harrison turnpike road;

H. No. 274—A bill to lay out and establish a graded state road in the counties of Monroe, Morgan, and Washington;

H. No. 275—A bill to incorporate the German Reformed Church of Bethlehem, in Stark county;

H. No. 276—A bill fixing permanently the times of holding courts of common pleas;

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has acceded to the disagreement of the Senate to the second amendment of the House to Senate bill No. 73.

The House has concurred in the amendments of the Senate to House bill No. 62.

The House has agreed to the amendments of the Senate to House bill No. 87.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker laid before the Senate the annual report of the Auditor of State upon the Surplus Revenue, which,

On motion of Mr. Taylor,

Was ordered to lie upon the table.

Mr. Spangler, from the standing committee on Finance, upon leave, reported a bill (Senate No. 152,) to provide for paying the temporary liabilities of the State, the interest on the State debt, and for other purposes; which was read the first time.

Mr. Taylor, according to previous notice, introduced a bill (Senate No. 153,) to repeal the act entitled an act for incorporating a Library Society in the town of Granville, in the county of Fairfield, under the name and title of "Granville Alexandrian Society;" which was read the first time.

Ordered, That the House of Representatives be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been read the third time, and passed, to which the concurrence of the Senate is requested.

House bill No. 214—To repeal an act entitled an act to incorporate a company to construct a turnpike road, from Columbus to Sandusky City, passed January 31, 1826.

Attest:

GID. M. AYRES, *Clerk.*

The bill from the House was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed Senate resolution, authorizing the Auditor of State to withhold the issue of treasury warrants to turnpike companies.

Attest:

GID. M. AYRES, *Clerk.*

28—S. J.

On motion of Mr. Stanton,

The Senate resolved itself into committee of the whole, Mr. Thomas in the chair, and after some time spent therein, the committee rose and reported the following bills to the Senate, to wit:

H. No. 57—A bill to amend an act entitled, "an act further to amend the act entitled, 'an act to prohibit the issuing and circulating of unauthorized bank paper,' passed January 27, 1816," and to repeal certain acts and parts of acts therein named, passed March 23, 1840.

Recommitted to the standing committee on the Currency.

H. No. 215—A bill to authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county.

Recommitted to the standing committee on Corporations.

Senate No. 141—A bill to amend the act entitled, "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838.

Recommitted to the standing committee on Schools and School Lands.

Senate No. 148—A bill to authorize the trustees of the Methodist Episcopal Parsonage, in Malta circuit, Ohio Conference, to sell certain lots.

Recommitted to the standing committee on the Judiciary.

Senate No. 149—A bill to incorporate the Findlay Literary Lyceum, in the county of Hancock.

Recommitted to the standing committee on Corporations.

On motion of Mr. Spangler,

The Senate adjourned until Monday morning, ten o'clock.

Attest:

THOMAS J. MORGAN, *Clerk*.

By J. H. DUBBS, *Assistant*.

MONDAY, FEBRUARY 21, 1842.

The Senate met pursuant to adjournment.

Mr Carpenter presented a petition from citizens of the town of Medina, in Medina county, praying the repeal of all laws incorporating said town.

Referred to Mr. Carpenter, to report thereon.

Mr. Wade presented a preamble and resolution of the Anti-Slavery Society of the Western Reserve, praying the General Assembly to rescind the resolution censuring the conduct of the Hon. John Quincy Adams.

Mr. Wade moved the same be referred to a select committee of one; upon which question he called for the yeas and nays, and they were ordered.

Mr. Taylor moved to lay the subject upon the table; upon which question,

Mr. Bartley called for the yeas and nays, and they were ordered; when the same was taken and carried—yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—15.

So the resolution was laid on the table without printing.

Mr. Bartley presented a petition of citizens of Lorain county, praying the repeal of the charter of the Oberlin Collegiate Institute.

Referred to the Judiciary committee.

Messrs. Taylor and Waddle presented remonstrances of citizens of Clark county, against the passage of the law authorizing the commissioners of said county to subscribe stock in the Little Miami Railroad Company: which were

Laid on the table without printing.

Mr. Holmes presented a petition of citizens of Clermont county, praying the passage of a law to stay the collection of judgments.

Referred to the standing committee on the Judiciary.

Mr. Holmes presented the petition of Wm. R. Morris, and others, citizens of Cincinnati, and members of the city council, praying for certain amendments to the city charter.

Referred to Mr. Holmes, to report thereon.

Mr. Holmes presented the statement of George P. Torrence, relative to the damages sustained by George W. Phillips and Mr. Hazen, from the construction of a culvert on the Miami Canal.

Referred to the committee on Canals.

Mr. Holmes presented the petition of citizens of Hamilton county, praying that the commissioners of said county be authorized to raise money by subscription to improve the Ludlow Hill road from Cincinnati to Carthage.

Referred to Mr. Holmes, to report thereon.

Mr. Hazeltine presented a petition of citizens of Preble county, praying the legislature to authorize the issue of state scrip to complete the public works.

Laid on the table without printing.

Mr. Root presented the petition of citizens of Huron county, praying the incorporation of the First Methodist Episcopal Church of Fitchville, Huron county.

Referred to Mr. Root, to report thereon.

Mr. Root also presented the memorial of John Gardiner and George G. Baker, of Huron county, praying for relief.

Referred to the standing committee on Canals.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to whom was referred so much of the Auditor's Annual Report as relates to the Goshen and Wilmington Turnpike Company, submitted the following report; which was ordered to lie upon the table:

The standing committee on Railroads and Turnpikes, to which was referred so much of the Auditor's report as relates to turnpike roads, have had the same under consideration, and upon that part of it which relates to the Goshen, Wilmington and Columbus Turnpike Company, report:

That the subscription to said company on the part of the State, is \$192,725. Of this amount, the State has paid \$83,484 39; leaving still due on the subscription, \$19,240 61, a portion of which the company is now asking the State to pay. It is therefore a duty which we owe to the State to ascertain whether the money already paid by the State has been honestly and properly expended; whether the road has been constructed according to the plan originally submitted to the Board of Public Works, in pursuance of the law, and whether the whole affairs of the company have been conducted with such strict regard to the interest of the State and the other stockholders, and with such observance of the law as will entitle the company longer to the favorable consideration of the State. To ascertain these matters, the committee rely mostly upon the examination made by H. A. Moore, Esq., the agent appointed by the Auditor, under the law, for that purpose. The first thing which the committee would notice, is the fact, that written contracts have not been entered into generally for the performance of work. In two cases only were written contracts made for grading, where directors of the company were contractors, and in no case where they were contractors, for stoning. That work may be done under the specifications and bids, and as well done as under a written contract, if all parties are so disposed, cannot be doubted; but it leaves an opportunity for contention and for fraud, especially where directors are the contractors, without the probability of being detected, which should be carefully avoided. It appears that on the 26th day of March, 1838, and which it would appear was some time previous to the letting of any jobs on said road, the board of directors passed, and entered upon their books, the following resolution:

"Resolved, That no section be let, unless the same shall be bid for as low, or lower, than the estimates of the engineer on such sections."

With this resolution before the public, by its general character, all persons, not in the secrets of the board of directors, would suppose that it applied to the whole extent of the road, and to all persons alike, and would, therefore, in their bids, govern themselves accordingly. This resolution, upon its face, appears well, and if it had been in good faith adhered to, would have had a beneficial influence upon the interests of the company; but such is not the fact, as appears on investigation. We find that upon a portion of the road between Goshen and section No. 9, the bids for grading, bridging, &c. were let to disinterested persons, or to no director or officer of the company; and that in all the jobs let for grading, &c., to this class of persons, the excess of costs to the company over the estimates, was but trifling. We find, also, that a large portion of the grading, &c., on the road between Goshen and Wilmington, was let to directors and officers of the company, and the excess of costs to the company, over the estimates, was something over *five thousand dollars*. It appears, also, that *costs*, on a large proportion (about two thirds) of the sections between Goshen and Wilmington, where these *directors and officers were contractors, exceeds* the actual amount of the *lettings or contracts*. The only explanation given by the company of this singular fact, is found in the depositions, to wit: that the resolution above quoted, did not apply to the whole road, but only that part between Goshen and section No. 9. Now, what was the premeditated intention of placing this resolution, general in its terms, upon the records of the company, with a silent understanding that it applied to a part of the road only? Was it for the benefit of the road? Was it for the benefit of the State and the stockholders generally? The committee will answer by saying, that it appears that those directors and officers who took contracts on the road received the benefit in about the amount above specified.

The next inquiry seems to be relative to the stoning or McAdamizing said road. And, first, whether the jobs were let to the lowest bidders. It appears that John and Christopher Kinsey bid for McAdamizing sections 23 and 24, west and adjoining Wilmington, as follows: for section 23, \$12 per rod; for section 24, \$12,50 per rod. It appears, however, from the testimony of the president himself, that these two sections were awarded to Eli Hale, a director, and brother of Samuel H. Hale, the president, at \$15,90 per rod, and by him transferred to said S. H. Hale. The cost of these two sections, as bid by the Messrs.

Kinseys, would be \$7,840; as bid by E. Hale, a director, and transferred to S. H. Hale, a director and president, \$10,176. Excess of cost over the lowest bidders, and that, too, put into the hands of a director, \$2,336. But this bid was made at six perches of stone to the rod, and afterwards increased to 7½, which is equal to one fourth addition, and the price increased accordingly. Add one fourth to the amount of the Messrs. Kinsey's bid, and the amount is \$9,800. Add one fourth to the amount of E. Hale's bid, and the sum is \$12,720, making the excess over the lowest bidder, and in favor of the director and president, of \$2,920. Other cases of a similar nature might be mentioned, but as the report of an agent is in the hands of every member, the committee deem it unnecessary.

The next inquiry to which the attention was drawn, is the fact of subscriptions to the capital stock, made to the company on condition that contracts should be let to such subscribers, together with the partiality shown to such subscribers, and the effects upon the interests of the State and other stockholders. It will be seen that it was a common practice to let contracts on condition that the contractor should take stock. One instance of the kind: Benjamin Baldwin, a director, submitted the following bid: "I will McAdamize section No. 10 at \$12 per rod, and take 20 shares of stock; or, at \$10 per rod without stock." On this bid, the contract was awarded to said Baldwin at \$12 per rod, he taking the 20 shares of stock. The cost of the section, at \$12 per rod, is \$3,840; at \$10 per rod, is \$3,200, or \$640 less. The shares are 50 dollars each. Twenty shares, therefore, amount to 1000 dollars. It will be seen, then, that 360 dollars is all that Baldwin pays for 1000 dollars of stock. The stock thus subscribed is reported to the Auditor of State as so much money actually paid into the treasury of the company, and thereupon 1000 dollars are drawn from the State treasury; and thus the State is actually swindled out of 640 dollars, and the other stockholders in the company are defrauded in proportion to the amount which they have paid in money. Had the directors been a little more astute in this system of financiering, and required said director to have taken a few more shares of stock, they might have drawn from the State money enough to have constructed this section without any expense to themselves.

Again: John and Christopher Kinsey proposed to McAdamize sections Nos. 23 and 24 at the average price of \$12 25 per rod, they taking 15 shares of stock, as appears from the bids themselves. But said sections were awarded to Eli Hale, or to Samuel H. Hale, at \$15,90 per rod, he taking 40 shares of stock. At Kinsey's bid, the section would have cost \$2,920. At Hale's bid,

it cost \$5,088, being an excess of \$2,168. For section No. 1, there are two distinct propositions—one at 14 dollars per rod, without taking stock, and one at 17 dollars, and take 20 shares of stock. The cost at 17 dollars would be \$5,440; at 14 dollars, it would be \$4,480; enhancing the cost, in a single section, \$960; so that, in fact, this 20 shares, or \$1000, of stock is equal in payment to only 40 dollars in money or labor, if contracts were accepted on such terms as in this bid it would appear, that, while the contractor pays only 2 dollars per share, the State pays 50 dollars. From the president's deposition, it appears that at least \$17,250 of stock have been thus subscribed. But suppose this to be the whole amount thus subscribed, and at the same average value, as in the above cited case, 40 dollars actual value for every 1000 dollars of stock, then the whole value of this stock is only \$690; which, taken from \$17,250, leaves \$16,560 the State pays on her subscriptions, where the company has paid nothing. From the report of the agent, it would appear that instances of favoritism, in the lettings of jobs to directors and officers, were numerous and glaring. Section No. 10, let to Benjamin Baldwin, a director, cost the company \$5,050, whilst sections Nos. 9 and 11, on either side of No. 10, were let to those not officers of the company, \$3,950 each, showing a difference, in favor of the director, of \$1,100. Sections Nos. 13 and 14, let to contractors, not officers, cost the company \$7,950, while sections Nos. 15 and 16, let to Hale and Hadley, both directors, cost \$9,140, making a difference, in favor of the directors, of \$1,190.

Section number 22, let to John Kinsey, costs \$4,800, while section 21, on one side, let to William Hadley, a director, costs \$5,600, being \$800 excess; and section number 23, on the other side, let to Eli Hale, another director, costs \$6,360, being an excess over section 22, of \$1,560; and, in all these cases, there seems to be no reason given why this difference occurs. It appears that these five sections, let to directors, were estimated, by the engineer, to cost \$2,283 less than the five sections let to persons not directors, still, they are let for \$5,500 more, showing, when compared with the estimates of the engineer, favor to the officers of \$7,783. Sections numbers 10, 15, 16, 17, 18, 19, 20, 21, 23, and 24, ten in number, let to directors, were estimated by the engineer to cost \$39,060, but actually cost \$53,200, being \$14,140 excess, while numbers 0, 1, 6, 7, 9, 11, 12, 13, 14, and 22, the same in number, estimated at \$41,562, let to persons not directors, cost only 39,443; making a difference, compared with the estimates, of \$16,259, without any cause being shown for the same, though the president of the company has been fully

heard before the committee. It appears, also, that the engineer has been engaged, in contracts, on five different sections, to the amount of \$6,723, with one Fallis, which contracts were sub let, at a profit of \$900.

It appears that stock has been subscribed, in one instance, at least, of \$100, and the same paid by an estimate of damages to land over which the road passes. The law authorizing a loan of credit, &c., by which this, and other, companies draw money from the State, requires a plan, and estimate, of the road to be submitted to the Board of Public Works, and approved by them, before the company would be entitled to a subscription. Such plan and estimate were submitted at nine perches of stone to the rod, and eighteen feet wide. The estimates were then all made at nine perches of stone to the rod, but the jobs were all let at six, and, afterwards, increased to seven and a half; this will show a still greater increased cost. The road, as estimated, from Goshen to Wilmington, on the plan submitted to the Board of Public Works, would cost \$81,373; but constructed according to that plan, and at the same rate it has cost, as built, would amount to \$141,383.

It appears that much of the stock subscribed by individuals has been paid in labor, on the road. If this has been done at the rate shown in the cases above mentioned, it must have been done to the great disadvantage of the State, and those stockholders who did pay in money. It also appears, that much stock was paid by taking the notes of the stockholders. And, upon stock thus subscribed and paid, reports have been made to the Auditor of State, as stock actually paid in; and, thereupon, a corresponding amount, in money, drawn from the State treasury. This is in direct violation of the law; as the law authorizing a subscription of stock to turnpike companies, &c., requires that the stock subscribed by individuals should first be actually paid in *money*.—The plan of the road submitted to the Board of Public Works, under the law, was for nine inches thick, with gravel or stone; and the turnpike law requires that the road shall be composed of stone or gravel, &c., at least eighteen feet wide. It is not pretended that the law has been complied with, in either of these particulars. The resolutions, in the books of the company, show that a proposition to construct the road eighteen feet wide, has been twice voted down; and the lettings for McAdamizing show that six perches of stone to the rod, or six inches thick, were all that were expected of contractors, with the right to increase it to seven and a half. Though certificates were laid before the committee, of men appointed to examine the road, for the purpose of putting up gates, yet the president, at the time of presenting these certificates, would not, on being asked the question, say that the

law had been complied with in these particulars. We are requested to refer to Mr. Cleveland's report on this road: from that report it would appear that what was done at that time was well done, and that a disinterested committee were then in existence to receive from contractors their jobs. But it also appears, from the books of the company, that the resolution appointing that committee was rescinded in a few days after Mr. Cleveland's report was made. With the engineer and a majority of the board of directors interested in contracts, the propriety, and even necessity, of such a committee is manifest to every one. The reason why such a committee might not be desirable to some, may be easily inferred, when we see that a part of the road constructed by directors has been so constructed as to cause complaint; and when we see, further, that the whole amount now due to contractors who are directors, is \$1,000, whilst there remains due to contractors who are not directors, the sum of \$9,000. It appears, from the depositions, that the company are not able to show more than \$10,000 of stock, of individuals, paid in money, whilst the State has paid \$83,484 39.

It is clearly shown that said company has issued drafts or orders, intended to circulate as money, to the amount of \$24,000, at a cost (for procuring the plate or print,) of \$300; which orders, or bills, were suffered to depreciate in value, and were bought up at a large discount, by stockholders, and paid to the company in payment of stock. It is, also, shown that the company have been in the habit of taking the notes of subscribers to stock, and the same reported to the Auditor of State as so much paid into the treasury of the company, when the law requires the same to be paid in money. It appears, from the depositions, that \$17,250 of stock were subscribed on condition of the subscribers receiving contracts.

There are but two contracts before the committee where the extra price given per rod, for the contractor taking stock, is positively stated, others may have been more or less. The committee will take for example the one for McAdamizing of one section, let to Benjamin Baldwin, and which is the least fraudulent of the two. The bid was at \$10 per rod without stock, and \$12 per rod and take 20 shares. The cost of McAdamizing the section at \$12 per rod, is \$3,840. The cost at \$10 per rod, is \$3,200, making an excess of \$640. The shares being \$50 each, amount to \$1,000.

It will be seen, that the State actually pays on this one section, and on this pretended payment of \$1,000 of stock by the subscriber, \$640 more than is paid by the individual subscriber. The proof shows that at least \$17,250 were subscribed on these conditions, and taking this case as an average estimate, and it will

be seen by calculation, that the State is defrauded in the sum of \$11,040 in this one item of financiering. The account then may be fairly stated, as follows:

	Dr.
The company to the State,	
To amount defrauded by letting contracts on condition of taking stock, - - -	\$11,040 00
To amount paid to officers on contracts for grading over the estimates, - - -	5,000 00
To amount paid to officers on contracts for McAd-amizing over the estimates, - - -	16,258 00
To amount over paid on the contracts of the Engineer and Fallis, - - -	900 00
To amount for printing orders, (so called,) -	300 00
To stock given to William Adams for damages, -	100 00
Total, - - -	<hr/> \$33,598 00

One other view might be taken, as follows:

The depositions show that not more than \$10,000 of individual stock has been paid in money according to law. The State has paid \$83,484 39. Then, according to the spirit and letter of the law, the company would be debtor to the State in the sum of \$73,484 39.

There are other items which, perhaps, might have been properly added to this account; but as the committee, from the proof which they have before them, do not feel warranted in recommending any definite and decisive action against the company; the above is believed to be sufficient.

The committee are of opinion, that the company have violated the law, in the following particulars:

First: In this, that the road has not been constructed according to the plan reported to, and approved by, the Board of Public Works, nor according to the law regulating turnpike companies.

Second: That the president has reported stock as paid in, and thus, in various instances, drawn large sums from the treasury of the State; when, in fact, said stock was not paid in agreeably to the law, "authorizing a subscription of stock by the State to turnpike companies, &c.," which requires the same to be paid in money before they are entitled to the warrant of the Auditor on the State treasury.

Third: the company have issued a large amount of notes or orders to circulate as money, which the law regulating turnpikes expressly prohibits and declares shall be a cause of forfeiture of charter.

The committee, therefore, recommend the adoption of the following resolutions:

Resolved by the General Assembly of the State of Ohio, That the Auditor of State be directed, by himself or agent, to make another examination of the books, papers and affairs of said Goshen, Wilmington, and Columbus Turnpike Company; and that he ascertain, as nearly as possible, the following particulars:

First: Whether said road is constructed according to the plan submitted to, and approved by the Board of Public Works, and the law regulating turnpikes; and, if not, then in what it varies from said plan and law?

Second: Whether any partiality has been shown to directors or officers of said company in the letting of contracts; and, if so, in what particulars and to what amount?

Third: Whether stock has been subscribed to said company on condition of contracts being let to the subscribers, and to what amount; and whether the contracts were let higher in consequence thereof, and to what amount?

Fourth: Whether individual notes have been taken in payment of stock, or whether stock has been paid, or pretended to be paid, in any other way than in money, and reported to the Auditor as paid agreeably to law; and, if so, how much?

Fifth: That he examine as to every and any other matters which he may deem necessary to the full understanding of the affairs of said company.

Resolved, That the Auditor be directed to issue no more warrants to said company, under the law, until further directed by the General Assembly.

Mr. Spangler, from the standing committee on Finance, to whom was referred petitions from citizens of Lucas county, praying that a tax be levied upon the Erie and Kalamazoo Railroad, asked to be discharged from the consideration of the subject, and that the petitioners have leave to withdraw their petitions; which was agreed to.

Mr. Spangler, from the same committee, to whom was recommitted House bill No. 184, to authorize the commissioners of Henry county to borrow money, reported the same back without amendment; when the bill was ordered to go to its third reading and final passage on to-morrow.

Mr. Walton, from the standing committee to whom was recommitted House bill No. 84, to provide for the revaluation of section 29, in Union township, Butler county; also, House bill No. 149, to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes, reported the same back without amendment; when the bills were severally ordered to their third reading and final passage on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to whom was recommitted House bill No. 202, an act to incorporate the town of Benton, in Holmes county, reported the same back with one amendment; which was agreed to.

The amendment being engrossed at the Clerk's table, the bill was passed.

Ordered, That the title be as aforesaid, and that the House of Representatives be informed thereof.

Mr. Holmes, from the same committee, to whom was recommitted Senate bill No. 149, to incorporate the Findlay Literary Lyceum, in the county of Hancock, reported the same back without amendment; which was agreed to, and the bill ordered to be engrossed for its third reading and final passage on to-morrow.

Mr. Spangler, from the standing committee on Finance, to whom was recommitted House bill No. 39, a bill provide for the revaluation and sale of the canal lands belonging to the State of Ohio, and to amend the acts now in force in relation thereto, reported the same back with sundry amendments to the amendments of the Senate, when the bill was laid on the table, and the amendments ordered to be printed in advance of other work of the Senate.

Mr. Spangler, from the same committee, to whom was recommitted House bill No. 165, for the relief of the Willoughby University of Lake Erie, reported the same back without amendment.

Mr. Spangler moved the further consideration of the bill be indefinitely postponed; when,

On motion of Mr. Ford,

The bill and pending motion were laid on the table.

Mr. Bartley, from the standing committee on the Judiciary, to whom was recommitted House bill No. 21, to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824, reported the same back with sundry amendments; when the bill was laid on the table, and the amendments ordered to be printed.

Mr. Harris, from the standing committee on Claims, to whom was recommitted House bill No. 133, for the relief of Jacob Darner, reported the same back without amendment; when the bill was

Recommitted to the standing committee on Schools and School Lands.

The following bills were reported from select committees and read the first time, viz:

By Mr. Mr. Holmes, Senate No. 154—A bill to amend an act to incorporate and establish the City of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834; and also, an act amendatory thereto, passed March 19, 1840;

By Mr. Van Vorhes; Senate No. 155—A bill to lay out and establish a graded State road in the counties of Meigs and Athens;

By Mr. Clark; Senate No. 156—A bill for the sale of school section 16, Jefferson township, Williams county;

By Mr. Carpenter; Senate No. 157—A bill to repeal the act incorporating the town of Medina, and the acts amendatory thereto.

Ordered that the House of Representatives be informed thereof.

The following bills were read the second time, committed to a committee of the whole Senate, and made the orders of the day for this day, to wit:

S. No. 151—A bill to incorporate the Euphemia, Lewisburg and West Alexandria Turnpike Road Company;

S. No. 152—A bill to provide for paying the temporary liabilities of the State, interest on the State debt, and for other purposes;

S. No. 153—A bill to repeal the act entitled "an act for incorporating a Library society in the town of Granville, in the county of Fairfield, under the name and title of "Granville Alexandrian Society;"

H. No. 92—A bill making special provisions for the sale or revaluation of section twenty nine, in Millcreek township, Hamilton county;

H. No. 86—A bill to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company;

H. No. 117—A bill to amend an act entitled "an act to incorporate the town of Lebanon, in the county of Warren;"

H. No. 126—A bill to incorporate the town of Jackson, in the county of Jackson;

H. No. 131—A bill making special provisions for the sale of section twenty nine, in Sycamore township, in the county of Hamilton;

H. No. 147—A bill to amend the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837;

H. No. 170—A bill to confirm and legalize the judicial and ministerial acts of Wales B. Bonney, a justice of the peace of Oxford township, in the county of Butler, Ohio;

H. No. 175—A bill to provide for the execution and record of contracts for the sale and mortgage of personal property, unaccompanied with possession;

H. No. 177—A bill to amend the act entitled "an act to regulate the admission and practice of attorneys and counsellors at law;

H. No. 181—A bill to incorporate the Ohio Conference High School in the town of Springfield, and county of Clark;

H. No. 187—A bill to incorporate the Phenix Fire Company, in Canton, Stark county;

H. No. 188—A bill to incorporate the Hanover and Wellsville Railroad Company;

H. No. 205—A bill to incorporate the Lafayette University at New Carlisle, Clark county;

H. No. 213—A bill to amend "an act to establish the Miami University," and appointing trustees for the same;

H. No. 214—A bill to repeal an act entitled “an act to incorporate a company to construct a turnpike road from Columbus to Sandusky City,” passed January 31, 1826;

H. No. 240—A bill to repeal the act incorporating the President and Directors of the Urbana Banking Company, and to close its affairs.

The following bills of the House were read the third time and passed:

House No. 154; An act to incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga;

H. No. 105; An act to amend an act entitled, an act for the inspection of certain articles therein enumerated;

H. No. 140; An act to incorporate the First Regular Baptist Church of Green township, Richland county;

H. No. 139; An act to incorporate the German Methodist Episcopal Church of Marietta, in Washington county;

H. No. 178; An act to incorporate the First Baptist Society of Huntingdon, Lorain county, Ohio;

H. No. 151; An act to incorporate the First Old School Presbyterian Church in Wayne township, Columbiana county;

H. No. 176; An act to incorporate the Second Presbyterian Church of Oxford, in the county of Butler;

H. No. 189; An act to provide for the renumbering the lots in the city of Dayton.

Ordered, That the titles be as aforesaid, and that the House of Representatives be informed thereof.

The following bills of the Senate were read the third time and passed, to wit:

Senate, No. 142; An act to incorporate the St. John's Church of Liverpool township, Columbiana county, Ohio;

Senate, No. 143; An act to incorporate the Wilkesville Lyceum, in the county of Gallia;

S. No. 144; An act to incorporate the town of Malta, in the county of Morgan;

S. No. 139; An act to incorporate the town of Rosseau, in the county of Morgan.

Ordered, That the titles be as aforesaid, and the concurrence of the House be requested.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time, to wit:

No. 277, to authorize the sale of school section number sixteen, in Greensburg township, in the county of Putnam;

No. 278, to divorce Nathaniel Tap from his wife Mary;

No. 279, to repeal the charter of the Manhattan Bank;

No. 280, to repeal the charter of the Ohio Insurance Company;

No. 281, to repeal the charter of the Farmer's, Mechanic's and Manufacturer's Bank of Chillicothe;

No. 282, to repeal the charter of the Bank of West Union;

No. 283, to repeal the charter of the Lebanon Miami Banking Company;

No. 284, to repeal the charter of the Bank of Cincinnati;

No. 285, to repeal the charter of the Farmer's Bank of Canton;

No. 286, to repeal the charter of the Farmer's and Mechanic's Bank of Cincinnati;

No. 287, to repeal the charter of the Bank of Steubenville;

No. 288, to repeal the charter of the Mechanic's Saving Association of Columbus;

No. 289, to repeal the charter of the Bank of New Lisbon;

No. 290, to repeal the charter of the Bank of Gallipolis;

No. 291, to repeal the charter of the Granville Alexandrian Society;

No. 292, to repeal the charter of the Bank of Circleville.

Attest:

GID. M. AYRES, *Clerk.*

Mr. Crowell gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend an act to incorporate the town of Warren, in the county of Trumbull.

Mr. Godman gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the First Free Will Baptist Church of Marion township, Marion county.

On motion of Mr. Spangler,

The Senate took up the resolution for the payment of G. N. Cumming, with the amendments of the House.

Mr. Spangler moved the Senate disagree to the amendments of the House, which were to strike out three hundred dollars, as the compensation, and insert two hundred dollars, and that the payment be made from the Governor's contingent fund; upon which question,

Mr. Nash called for the yeas and nays, and they were ordered, when the same was taken and carried; yeas 17, nays 18, as follows:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—16.

So the amendments of the House were disagreed to.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Clark in the chair, upon the orders of the day, and after some time spent therein, the committee rose and reported the following bills to the Senate, to wit:

Senate, No. 147; A bill to lay out and establish a graded state road from Youngstown, in Trumbull county, to east Liverpool, in Columbiana county.

Recommitted to the standing committee on Roads and Highways.

Senate, No. 150; A bill to incorporate the Farmer's Mill Company, of the county of Gallia.

Recommitted to the standing committee on Corporations.

Mr. Root, from the select committee on that subject, by leave of the Senate, reported a bill, (Senate, No. 158) to incorporate the First Methodist Episcopal Church of Fitchville, in Huron county; which was read the first time.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Waddle,

The bill, S. No. 145, for the relief of the Bank of Wooster, Franklin Bank of Columbus, and the Bank of Chillicothe, was taken up.

Mr. Waddle offered sundry amendments to the bill, which, together with the bill, were referred to the standing committee on the Currency.

On motion of Mr. Van Vorhes,

The annual report of the president of the Ohio University, was taken up, and

On motion of Mr. Van Vorhes,

The report was referred to the standing committee on Colleges and Universities.

On motion of Mr. Thomas,

The Senate took up the bill, Senate No. 15, further to amend the several acts establishing the Miami University.

Mr. Spangler moved that the bill be postponed until the first Monday of December next, and on his motion, demanded the yeas and nays, and they were ordered, when the question was taken and lost, yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Mr. Taylor moved the Senate resolve itself into committee of the whole, on the orders of the day, upon which question, he called for the yeas and nays, and they were ordered, when the same was taken and lost, yeas 16, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—16.

Nays—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Mr. Hostetter moved the Senate adjourn until Wednesday morning, 10 o'clock.

Mr. Thomas demanded the yeas and nays, and they were ordered, when the question was taken and lost, yeas 9, nays 23, as follows, to wit:

Yeas—Messrs. Bartley, Harris, Hazeltine, Holmes, Hostetter, Ream, Ritchey, Spangler and Wade—9.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Goodin, Mitchell, McConnell, Nash, Perkins, Robbins, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Waddle, Walton and Speaker—23.

The question then turned upon ordering the bill to be engrossed.

Mr. Hazeltine moved to amend the bill by striking out all after the word payable, in the fourth line of the first section, to the end of the section, and inserting the following:

The secretary of said University, shall cause written notice to be served on the person having charge of such lots or tract of land, either as owner of, or agent for the same; which notice shall set forth the amount, and the time the same become due, and if the rent or interest, as aforesaid, shall remain unpaid for the term of thirty days from the date of service of such notice, such lot or tract of land shall revert to said corporation, and the costs of said notice shall be taxed against the owner of such land, and collected or paid as in other cases: provided, always, that before any such forfeiture shall occur, execution shall have issued against the goods and chattels of the owner of such land, and shall have been returned unsatisfied.

Mr. Thomas moved to amend the amendment by striking out the proviso; upon which question, he called for the yeas and nays, and they were ordered, when the question was taken and lost, yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

The question then turned upon agreeing to the amendment, upon which,

Mr. Thomas called for the yeas and nays, and they were ordered, when the same was taken and lost, yeas 16, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—16.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foss, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Verhee, Wade, and Waddle—16.

So the amendment was not agreed to.

Mr. Hazeltine then offered sundry amendments, which were agreed to; when the bill was,

Ordered to lie on the table.

On motion of Mr. Clark,

The Senate adjourned to Wednesday morning, 10 o'clock.

Attest: **THOMAS J. MORGAN, Clerk.**

WEDNESDAY, FEBRUARY 23, 1842.

The Senate met pursuant to adjournment.

Mr. Root presented a petition from citizens of Huron county, for such amendments as will save bill holders from loss by failing banks; which was

Referred to the standing committee on the Currency.

Mr. Bartley presented a petition from sundry citizens formerly of Richland county, and state of Ohio, but at this time citizens of the state of Arkansas, in relation to a pauper; which was

Referred to the standing committee on Public Institutions.

Mr. Foss presented a petition from 124 citizens praying the Legislature to reduce the salaries of all the officers of State, and that the Legislature adjourn forthwith; which was

Referred to the standing committee on Finance.

Mr. Bartley presented a petition from sundry citizens of Richland county, praying for an alteration of the penitentiary system of the state so that convict labor may not operate to the injury of Mechanics; which was

Referred to the standing committee on the Penitentiary.

Mr. Nash presented a petition from 50 citizens of Jackson, for the passage of relief laws against the collection of debts; which was

Referred to the standing committee on the Judiciary.

Mr. Sill presented the petition of Homer Gordin and others, praying an amendment to the charter of the Philozetian Society of the Western Reserve College; which was

Referred to a select committee of one, and Mr. Sill appointed that committee.

Mr. Spangler presented a communication from Leander Ransom,

a member of the Board of Public Works, in relation to the Milan Canal Company; which was

Referred to the standing committee on Finance.

Mr. Bartley, from the standing committee on the Judiciary, to which the subject had been referred, reported a bill (S. No. 159) to divorce Hannah J. Herrick from her husband George W. Herrick; which was read the first time.

The Speaker presented the report of the Auditor of State, in relation to the finances of the state; which was laid on the table.

(See Vol. Pub. Doc., No. 74.)

The following bills were severally read the second time, committed to a committee of the whole Senate, and made the order of the day, for this day, to wit:

S. No. 154—A bill to amend an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and, also, an act amendatory thereto, passed March 19, 1840;

S. No. 155—A bill to lay out and establish a graded State road in the counties of Meigs and Athens;

S. No. 156—A bill for the sale of school section 16, Jefferson township, Williams county;

S. No. 157—A bill to repeal the act incorporating the town of Medina, and the act amendatory thereto;

S. No. 158—A bill to incorporate the First Methodist Episcopal Church, of Fitchville, in Huron county.

The following bills were read the third time and passed, to wit:

S. No. 148—An act to incorporate the Findlay Literary Lyceum, in the county of Hancock;

H. No. 84—An act to provide for the revaluation of section twenty-nine, in Union township, Butler county;

H. No. 149—An act to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes;

H. No. 184—An act to authorize the commissioners of Henry county to borrow money.

On motion of Mr. Clark,

The Senate took up House bill No. 39, and the amendments thereto, to provide for the valuation and sale of the canal lands belonging to the state of Ohio, and, also, to amend the acts now in force in relation thereto.

The question occurring on agreeing to the amendments of the Finance committee of the Senate—

On agreeing to the second amendment of the Finance committee,

Mr. Walton called for a division of the question, and it turning on striking out the second section of the Senate amendments,

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 25, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Crowell, Ford, Foos, Godman, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

Nays—Messrs. Clark, Dewey, Goodin, Harris, Hazeltine, Holmes, Mitchell, Stanton and Walton—9.

So the amendment to the amendment was agreed to.

The question then recurring on agreeing to the second division of the second amendment of the Finance committee, which provides for striking out the third section of the Senate amendments,

Mr. Walton demanded the yeas and nays, which, being ordered, were yeas 28, nays 6, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Ford, Foos, Godman, Goodin, Hazeltine, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—28.

Nays—Messrs. Dewey, Harris, Holmes, Mitchell, Stanton and Walton—6.

So the amendment to the amendment was agreed to.

The question occurring on agreeing to the 8th amendment of the Finance committee, which is as follows:

“After the word banks, insert the words ‘or bonds of the state which may be issued for that purpose.’”

Mr. Walton demanded the yeas and nays, which, being ordered, were yeas 24, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Hostetter, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Thomas, Van Vorhes, Wade and Waddle—24.

Nays—Messrs. Bartley, Goodin, Hazeltine, Holmes, Leonard, Mitchell, Stanton, Taylor, Walton and Speaker—10.

So the amendment to the amendment was agreed to.

The question then occurring on agreeing to the ninth amendment of the Finance committee, which is as follows:

“After the word dollars strike out the words ‘and fifty cents.’”

Mr. Walton demanded the yeas and nays, which, being ordered, were yeas 24, nays 10, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Goodin, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Thomas, Van Vorhes, Wade, Waddle and Speaker—24.

Nays—Messrs. Aten, Bartley, Dewey, Harris, Hazeltine, Holmes, Mitchell, Stanton, Taylor and Walton—10.

So the amendment to the amendment was agreed to.

On agreeing to the sixteenth amendment of the Finance committee, which is as follows:

"Sec. 13, line 3, strike out the words 'nor shall any person or persons who shall have acted as appraisers.'"

Mr. Stanton demanded the yeas and nays, which, being ordered, were, yeas 27, nays 6, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Crowell, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Spangler, Thomas, Van Vorhes, Wade, Waddle and Speaker—27.

Nays—Messrs. Bartley, Dewey, Sill, Stanton, Taylor and Walton—6.

So the amendment to the amendment was agreed to.

The other amendments of the Finance committee were severally considered and agreed to.

Mr. Thomas offered for adoption the following amendment to the amendment of the Senate:

Sec. 5, line 4, strike out the word "Lima" where it occurs the second time, and after the word "office" insert, "at the town of St. Marys, in the county of Mercer, to which place the state land office at Lima shall be removed.

On agreeing to this amendment,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 12, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Ford, Godman, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—12.

Nays—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Walton and Speaker—16.

So the amendment to the amendment was disagreed to.

The question then occurring on agreeing to the amendment of the committee on Public Lands, as amended,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 28, nays 3, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Ford, Foos, Godman, Harris, Hazeltine, Holmes, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—28.

Nays—Messrs. Goodin, Mitchell and Walton—3.

The question then recurring on ordering the bill to its third reading,

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 27, nays 4, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Hostetter, Leonard, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—27.

Nays—Messrs. Bartley, Holmes, Mitchell and Walton—4.

So the bill was

Ordered to be read the third time on to-morrow.

Mr. Godman, agreeably to previous notice, introduced the following bill, which was read the first time, to wit:

S. No. 160—A bill to incorporate the First Free Will Baptist Church, of Marion township, Marion county.

Mr. Nash, agreeably to previous notice, introduced the following bill; which was read the first time, to wit:

S. No. 161—A bill to incorporate the Bethany Regular Baptist Church, in the county of Scioto.

On motion of Mr. Nash,

The Senate resolved itself into committee of the whole, Mr. Dewey in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported back the following bills:

S. No. 151—A bill to incorporate the Euphemia, Lewisburgh, and West Alexandria Turnpike Road Company;

Recommitted to the standing committee on Corporations;

S. No. 152; A bill to provide for paying the temporary liabilities of the State, the interest on the State debt, and for other purposes;

The committee reported progress, and asked leave to sit again, on Senate bill No. 152; which was agreed to.

Mr. Aten, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, have deposited in the office of the Secretary of State, the following acts and resolutions, and taken his receipt for the same:

H. No. 100—An act to incorporate the Hook and Ladder Company, of Hudson, in the county of Summit;

H. No. 103—An act to incorporate the Wardens and Vestry of Grace Church, in Cincinnati;

H. No. 109—An act to incorporate the town of Antrim, in the county of Gurnsey;

H. No. 112—An act to incorporate the Monumental Methodist Episcopal Church, of the town of Eaton, Preble county;

H. No. 113—An act to incorporate the Rector, Church Wardens, and Vestrymen of Zion Church, in the town of Dresden, in the county of Muskingum;

H. No. 115—An act to incorporate the town of Port Jefferson, in the township of Salem, in the county of Shelby;

H. No. 119—An act to incorporate the town of Pleasant Valley, in the county of Madison;

H. No. 120—An act to confirm and legalize the name of Joseph A. Roof.

H. No. 66—An act to incorporate the Union Library Association, of Richmond, in the county of Ashtabula;

S. No. 64—An act fixing the times of holding the Courts of Common Pleas;

S. No. 37—An act to amend the "act to provide for the sale of lands forfeited to the State for the nonpayment of taxes," passed March 14, 1831;

S. No. 42—An act further to amend the act entitled "an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of banks within the State of Ohio," passed February 26, 1839, and enforce the resumption and continuance of specie payments by the banks within the State of Ohio.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed Senate bill No. 27, fixing the times of holding the Supreme Court, for the year 1842, to which the signature of the Speaker of the Senate is requested.

The Speaker of the House has signed the following resolution of the Senate, to which the signature of the Speaker of the Senate is requested:

A resolution appointing Arvine Wales and Arnold Lynch, of Stark county, trustees of the charity school of Kendall, in Stark county.

Attest:

GID. M. AYRES, Clerk.

The Speaker of the Senate signed the above enrolled bill and resolution.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read a first time, to wit:

No. 293—to suspend the act entitled "an act to authorize a loan of credit, by the State of Ohio, to Railroad Companies, and to authorize subscription, by the State, to the capital stock of Turnpike, Canal, and Slackwater Navigation Companies;

No. 294—to amend the act entitled "an act to incorporate the town of Covington, in the county of Miami," passed March 3, 1834;

No. 295—to repeal an act passed February 27, 1830, to establish a Board of Commissioners to improve the navigation of Killbuck creek.

Attest:

GID. M. AYRES, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time, to wit:

H. No. 296—to divorce Julia J. Spencer from her husband Daniel Spencer;

H. No. 297—to amend an act entitled "an act to incorporate the Vermillion and Ashland Railroad Company," passed March 23, 1837;

H. No. 298—to amend the act entitled "an act to incorporate the Woodland Cemetery Association of Dayton;

H. No. 299—to incorporate the Bath High School, of Bath, in the county of Summit;

H. No. 300 to amend an act entitled "an act to punish trespassers on the public lands," passed March 31, 1837.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House insists upon its amendments to the Senate resolution, in relation to the claim of G. N. Cumming, and ask a committee of Conference.

Attest:

GID. M. AYRES, *Clerk.*

The Senate acceded to the request of the House, and appointed Messrs. Spangler and Root as a committee of Conference, on the part of the Senate.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill, to which the concurrence of the Senate is requested.

H. No. 232—to authorize the Governor to make a deed of certain land to Nicholas Herron.

The House has agreed to Senate amendments to House bill No. 186.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the Senate amendments to House bills Nos. 154, 189, 105, 202, 173, 166, 170, 161, 200, 198.

Attest:

GID. M. AYRES, *Clerk.*

On motion of Mr. Goodin,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk.*

THURSDAY, FEBRUARY 24, 1842.

The Senate met pursuant to adjournment.

Mr. Nash presented a petition from certain citizens, praying the incorporation of the Macedonian Christian Church of Harrison, in the county of Gallia; which was

Referred to Mr. Nash.

Mr. Godman presented a petition from citizens of Marion county, praying the Legislature to adjourn forthwith; which was

Referred to the standing committee on Finance.

Mr. Waddle presented a remonstrance from 32 citizens of Clark county, against the passage of a law authorizing the commissioners of that county to subscribe stock in the Little Miami Railroad; which was

Laid on the table, and the printing dispensed with.

Mr. Carpenter presented a remonstrance from citizens of Medina, against the repeal of the charter of said town; which was

Referred to the standing committee on Corporations.

Mr. Carpenter presented a petition for the incorporation of the Union Society, of the Oberlin Collegiate Institute; which was

Referred to Mr. Carpenter.

Mr. McConnell, from the standing committee on Canals, made the following report; which was agreed to:

The standing committee on Canals, to whom was referred the resolution of the select committee of one, on the remonstrances of citizens of Stark county, against the construction of a reservoir for damming up the waters of Lake Scioto, near Massillon, have had the same under consideration, report the same back, and recommend its passage:

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works be and they are hereby prohibited from constructing a dam or reservoir, or any other fixture or device whatever, by which the waters of Scioto creek, or that of Lake Scioto, near Massillon, in Stark county, be in any manner raised, obstructed, or diverted out of its present channel, but that the same be permitted to flow, in its usual course, until it passes through the woollen factory in Massillon; after which it may, if the Board of Public Works deem it necessary, be taken into the canal.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted Senate bill No. 147, to lay out and establish a graded state road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county, reported the same back without amendment, and the bill was

Ordered to be engrossed for its third reading on to-morrow.

Mr. Goodin, from the standing committee on Corporations, to which was recommitted Senate bill No. 151, to incorporate the Euphemia, Lewisburgh and West Alexandria Turnpike Road Company, reported the same back with amendments; which were agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Mitchell, from the standing committee on the Penitentiary, to which was referred the petition of Lorenzo H. Cummings, made the following report, which was agreed to:

The standing committee on the Penitentiary, to whom was referred the petition of Lorenzo H. Cummings, made the following report:

The committee are of the opinion that said petitioner has no just claims against the state, but is indebted thereto;

The state having paid, on account of prosecuting,	\$94 17
For transportation,.....	42 53

Total amount	136 70
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Therefore,

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill No. 137, to divorce John A. Ackley, from his wife, Caroline Ackley, made the following report, which was agreed to:

The standing committee on the Judiciary, to whom was committed House bill No. 137, entitled, a bill to divorce John A. Ackley from his wife, Caroline Ackley, have had the same under consideration, and now report:

The petitioner asks for a divorce on the grounds: 1st, Of the immoral and indecent conduct and gross neglect of duty of the said Caroline Ackley; and, 2d, Of adultery; and, 3d, of habitual drunkenness since 1830; The supreme court would grant the petitioner a divorce for either of the causes set forth in the petition. Where the supreme court has clearly jurisdiction, it would be improper for the legislature to interfere for the purpose of granting a divorce. The legislature is liable to be imposed upon by *ex parte* statements. The supreme court can better investigate the facts of a case, where that tribunal has clearly jurisdiction. This petitioner has, as it appears from his petition, lived separate from his said wife since the year 1830, and that since that time the above causes for divorce have existed, and continued to become more aggravated. The circumstance of his having slept under his grievances for eleven or twelve years, and not procured a divorce from the supreme court, gives rise to the suspicion that the *ex parte* statements of the petitioner may be calculated to mislead the legislature.

The committee, therefore, recommend that the bill be indefinitely postponed.

Mr. Godman, from the standing committee on Canals, to which the subject was referred, reported the following preamble and resolution, which were agreed to:

Whereas, the Board of Public Works have taken, for the use of the state, a part of lot number 122, in the town of Defiance, in Williams county, of which John Gardener and George G. Baker, of Norwalk, in Huron county, claim to be owners; and whereas, said Gardiner and Baker, by reason of their want of notice of the taking of a part of said lot, as aforesaid, have failed to make, within the time prescribed by law, application to the Board of Public Works for the appointment of appraisers of the damage done to their said lot; therefore,

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works are hereby required, on application of John Gardiner and George G. Baker, of Norwalk, in Huron county, within six months after the passage of this resolution, to appoint appraisers to appraise the damage done to said lot number 122, in the town of Defiance in Williams county, by reason of a part thereof being taken by the Board of Public Works for the use of the state, as if said application had been made within the time prescribed by law.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred the petition of Marvin Hyde, made the following report, which was agreed to:

The standing committee on the Judiciary, to whom was committed the petition of Marvin Hyde for a divorce from his wife, Sophia Hyde, have had the same under consideration, and now report:

The grounds upon which the petitioner asks for a divorce, are comprised, chiefly, in the following, to wit: First, The wilful absence of the said Sophia Hyde from his bed and board, since April, 1838; and, Second, Her gross neglect of duty as a wife. If the facts set forth by the petitioner in his petition be true, the supreme court has jurisdiction of the case, and would grant a divorce for either of these causes.

The committee, therefore, ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted House bill No 142, to amend an act for the inspection of certain articles therein enumerated, passed March 9, 1831, reported the same back with one amendment, which was agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Walton, from the same committee, to which was referred House bill No. 145, to amend the act entitled, "an act for the punishment of crimes," passed March 7, 1835, reported the same back without amendment, and the bill was ordered to its third reading on to-morrow.

Mr. Bartley, from the same committee, to which was recommitted House bill No. 164, to change the name of the town of Vienna, in

the county of Clinton, reported the same back, and recommended its indefinite postponement; which was agreed to.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 146, to repeal the act entitled, an act to incorporate the Oberlin Collegiate Institute, passed February 2, 1834, reported the same back with the following amendment, to wit:

"Strike-out all of the first section after the word 'repealed,' in the third line."

On agreeing to this amendment, Mr. Carpenter demanded the yeas and nays, which, being ordered, were, yeas 11, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Holmes, Mitchell, McConnell, Beam, Ritchey, Spangler, Taylor, and Walton—11.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Hostetter, Leonard, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle, and Speaker—20.

So the amendment was disagreed to.

The bill was then laid upon the table.

Mr. Root, from the standing committee on Public Institutions, to which the subject was referred, reported the following resolution, which was agreed to.

Resolved by the General Assembly of the State of Ohio, That the trustees of the Ohio Asylum for the education of the Deaf and Dumb, be and they are hereby authorized to allow Evans Bentley to remain as a pupil in said Asylum until he shall have completed the usual term of pupilage therein.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 150, to incorporate the Farmer's Mill Company, in the county of Gallia, reported the same back with sundry amendments, which were agreed to.

The question occurring on ordering the bill to be engrossed for its third reading, the yeas and nays were demanded, which, being ordered, were, yeas 18, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Latham, Nash, Perkins, Beam, Sill, Stanton, Thomas, Van Vorhes, Wade, and Waddle—18.

Nays—Messrs. Aten, Bartley, Goodin, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ritchey, Spangler, Taylor, Walton, and Speaker—13.

So the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 174, to incorporate the Odd Fellows Lodge of Marietta, reported the same back with sundry amendments, which were agreed to.

The question occurring on ordering the bill to be engrossed for its third reading, the yeas and nays were demanded, and being ordered, were, yeas 15, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Godman, Harris, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Waddle, and Speaker—15.

Yays—Messrs. Aten, Bartley, Crowell, Dewey, Ford, Foos, Goodin, Nash, Perkins, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade, and Walton—17.

So the Senate refused to order the bill to be engrossed for its third reading.

Mr. Bartley, from the standing committee on the Judiciary, to which the subject was referred, reported the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be authorized to procure and furnish to the several clerks of the court of common pleas respectively, of the counties of Erie, Union, Lucas, and Scioto, such numbers of the Ohio Reports as have not been heretofore furnished by the state to the said several counties respectively, if the same can be procured on reasonable terms.

Mr. Ritchey, from the standing committee on New Counties, to which was referred the remonstrance of citizens of Logan county, remonstrating against an alteration of the county line between the counties of Logan and Shelby, reported the same back, asked to be discharged from the further consideration thereof, and that the remonstrators have leave to withdraw their remonstrance; which was agreed to.

Mr. Ritchey, from the same committee, made the following report, which was agreed to:

The standing committee on New Counties to whom was referred the petitions of sundry citizens of Mercer and Darke counties, praying for a new county to be called Wabash, have had the same under consideration, and ask to be discharged from the further consideration of the subject, and that the same be postponed to the first Monday in December, 1842.

Mr. Sill, from the select committee on that subject, introduced the following bill, which was read the first time, to wit:

S. No. 162; A bill to amend an act to incorporate the Philozetian Society of the Western Reserve College.

Mr. Nash, from the select committee on that subject, introduced the following bill, which was read the first time, to wit:

S. No. 163; A bill to incorporate the Macedonian Christian Church of Harrison, in the county of Gallia.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 159—A bill to divorce Hannah J. Herrick from her husband, George W. Herrick;

S. No. 160—A bill to incorporate the First Freewill Baptist Church of Marion township, Marion county;

S. No. 161—A bill to incorporate the Bethany Regular Baptist Church, in the county of Scioto;

H. No. 232—A bill to authorize the Governor to make a deed of certain land to Nicholas Herron.

The following bill was read the third time, to wit:

H. No. 39—A bill to provide for the valuation and sale of the canal lands belonging to the state of Ohio; and also, to amend the acts now in force in relation thereto.

Mr. Thomas moved to lay the bill upon the table; upon which motion,

Mr. Root demanded the yeas and nays; which being ordered, were—yeas 19, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Dewey, Foos, Godman, Goodin, Holmes, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Sill, Spangler, Stanton, Taylor, Thomas and Van Vorhes—19.

Nays—Messrs. Aten, Clark, Crowell, Ford, Harris, Hazeltine, Hostetter, Latham, Leonard, Root, Wade, Waddle, Walton and Speaker—13.

So the bill was laid upon the table.

Mr. McConnell offered for adoption the following resolution:

Resolved, That the Board of Public Works be required to report to this Senate, at as early a day as practicable, whether any contracts have been let upon any of the public works of this state in an illegal or improper manner; and if any such work, unauthorized by law, has been placed under contract, to what extent, in what manner, at what point, and by whom it has been so done; and, also, to whom the contracts have been let; and whether Mr. James Giddings is a contractor, or is acting as the agent of the state?

Mr. Nash moved to refer the resolution to the standing committee on Canals, with instructions to inquire whether any contracts on the public works have been made by the Board of Public Works, or their agents, or engineers, contrary to law; which was agreed to.

On motion of Mr. Spangler,

The Senate took up Senate bill No. 115, for the relief of contractors on the Wabash and Erie Canal, on the Miami Extension, and for the completion of the same.

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Waddle offered for adoption the following amendment, to come in as section 10:

Sec. 10. That for the purpose of discharging the debts due, and becoming due, to the Bank of Wooster, Franklin Bank of Columbus, and the Bank of Chillicothe, by the state, the notes of said banks shall, under the instructions of the Treasurer of State, be received by the Receivers of the respective land offices, and the other officers of the state, in payment of lands or debts due the state, to an amount equal to the loans made by said banks to the state; and it is hereby made the duty of the Treasurer of State to apply the notes of such

banks to the payment of the debts due to each bank, respectively; provided, that, before the Treasurer shall receive the paper of said banks, as above specified, and for the purposes named, the said banks shall respectively file with the Auditor of State a written agreement, as a modification of the original contract with the Fund Commissioners with them, that they will each receive its own paper at par in discharge of the obligations due them by the state, which modifications shall be indorsed on the bonds held by said banks.

On agreeing to this amendment, the yeas and nays were demanded; which being ordered, were—yeas 16, nays 18, as follows, to wit:

Yeas—Messrs. Bartley, Crowell, Dewey, Ford, Foos, Harris, Latham, Leonard, Nash, Perkins, Root, Sill, Van Vorhes, Wade, Waddle and Speaker—16.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Godman, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Spangler, Stanton, Taylor, Thomas, and Walton—18.

So the amendment was disagreed to.

On motion of Mr. Ford,

The bill was amended.

Mr. Nash moved further to amend the bill by striking out "ten," and inserting "five" in the third section.

Mr. Walton called for a division of the question, and it turning on striking out,

Mr. Spangler demanded the yeas and nays; which being ordered, were, yeas 20, nays 14, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Hostetter, Latham, Leonard, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade, Walton and Speaker—20.

Nays—Messrs. Aten, Barnett, Carpenter, Goodin, Hazeltine, Holmes, Mitchell, McConnell, Ream, Ritchey, Root, Spangler, Taylor and Waddle—14.

So the Senate agreed to strike out.

Mr. Walton moved to fill the blank by inserting the word "twenty," and on his motion, demanded the yeas and nays; which being ordered, were—yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Aten, Carpenter, Ford, Goodin, Hazeltine, Mitchell, McConnell, Spangler, Walton and Speaker—10.

Nays—Messrs. Barnett, Bartley, Clark, Crowell, Dewey, Foos, Godman, Harris, Holmes, Hostetter, Latham, Leonard, Nash, Perkins, Ream, Ritchey, Root, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade and Waddle—24.

So the motion was lost.

Mr. Clark moved to fill the blank with the word "five;" upon which motion,

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 16, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes and Wade—16.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Root, Spangler, Taylor, Waddle, Walton and Speaker—18.

So the motion was lost.

Mr. Thomas moved to reconsider the motion to strike out "ten" in the third section of the bill; on which motion,

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 22, nays 10, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, McConnell, Ream, Ritchey, Sill Spangler, Stanton, Taylor, Thomas, Van Vorhes and Wade—22.

Nays—Messrs. Aten, Bartley, Latham, Leonard, Mitchell, Nash, Root, Waddle, Walton and Speaker—10.

So the Senate reconsidered its vote.

Mr. Nash then withdrew his motion to strike out; when

Mr. Bartley renewed the motion, and demanded the yeas and nays; which being ordered, were—yeas 12, nays 22, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Foos, Hostetter, Latham, Leonard, Mitchell, Nash, Taylor, Waddle, Walton and Speaker—12.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Godman, Goodin, Harris, Hazeltine, Holmes, McConnell, Perkins, Ream, Ritchey, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes and Wade—22.

So the Senate refused to strike out.

The question then recurring on ordering the bill to be engrossed for its third reading,

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 14, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Dewey, Godman, Goodin, Harris, McConnell, Perkins, Ritchey, Sill, Spangler, Thomas and Van Vorhes—14.

Nays—Messrs. Aten, Bartley, Crowell, Ford, Foos, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Nash, Ream, Root, Stanton, Taylor, Wade, Waddle, Walton and Speaker—20.

So the Senate refused to order the bill to be engrossed for its third reading.

On motion of Mr. Crowell,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clark.*

FRIDAY, FEBRUARY 25, 1842.

The Senate met pursuant to adjournment.

Mr. Nash presented a petition from 30 citizens of Ohio, asking for the passage of a law staying the collection of debts; which was

Referred to the standing committee on the Judiciary.

Mr. Holmes presented the statement of A. Ruffner, in relation to damages sustained by G. W. Phillips and George Hazen on the Miami canal, near Cincinnati; which was

Referred to the standing committee on Canals.

Mr. Leonard presented the proceedings of a public meeting of citizens of Mount Vernon, in relation to penitentiary labor; which was Laid on the table.

Mr. Carpenter presented a petition from Arvey Whitney, and others, praying the incorporation of the First Regular Baptist Church and Society, in Camden, Lorain county; which was

Referred to a select committee of one, and

Mr. Carpenter appointed that committee.

Mr. Carpenter presented a petition from certain colored persons of Franklin county, praying for relief from certain alleged grievances, on the reception of which,

Mr. Hazeltine demanded the yeas and nays, which being ordered, were, yeas 14, nays 18, as follows, to wit:

Yeas—Messrs. Carpenter, Crowell, Dewey, Ford, Foos, Godman, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

Nays—Messrs. Aten, Barnett, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—18.

So the Senate refused to receive the petition.

Mr. Thomas, from the standing committee on the Judiciary, to which the petition of Eliza Hantz, praying for a divorce from her husband, had been referred, made the following report:

The standing committee on the Judiciary, to which was referred the petition of Eliza Hantz, asking to be divorced from her husband Andrew Hantz, report:

That the ground upon which the petitioner bases her prayer for a divorce, is the wilful absence of her husband for about nine years.

Your committee, therefore, ask that they be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw her petition.

On motion of Mr. Bartley,
The report was laid upon the table.

30—S. J.

Mr. Walton, from the standing committee on the Judiciary, to which had been referred the petition of Esther A. Creain, praying for a divorce from her husband, made the following report:

The committee on the Judiciary, to which was committed House bill No. 162, to divorce Esther A. Creain from her husband, Andrew L. Creain, together with the petition and accompanying documents, have had the same under consideration, and report:

That after a careful examination of the facts set forth in the petition and accompanying documents, the case made out by the petitioner is one of fraudulent contract, in the meaning of the statute of this State, on the subject of divorce, now in force, and that the Supreme Court has jurisdiction of the case of the petitioner. The committee, therefore, are of the opinion that the Legislature ought not to pass the bill from the House, and that the petitioner ought to be left to seek relief in the supreme court, a tribunal provided by law and invested with power fully and fairly to hear and determine cases of the kind.

Your committee, therefore, recommend that the bill be indefinitely postponed.

The report was laid upon the table.

Mr. Sill, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment report, that they have examined and found duly enrolled the following acts and resolutions, to wit:

S. No. 11—An act to establish a Free Turnpike Road from Bellefontaine, in Logan county, to the Indiana State line;

S. No. 14—An act to authorize the trustees of school section number sixteen, in Hopewell township, Seneca county, to lease said school lands;

S. No. 44—An act to incorporate the Presbyterian Society of the town of Ashland, Richland county;

S. No. 46—An act to incorporate the Presbyterian Church of Cross Creek, in the county of Jefferson;

S. No. 52—An act authorizing the commissioners of Hancock county to assess additional taxes for Bridge purposes;

S. No. 55—An act to restore Leonard L. Bush to his legal rights and privileges;

S. No. 57—An act to incorporate the First Presbyterian Church of Grand, Marion county;

S. No. 61—An act to vacate part of the State road running from the south east corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the county line road;

S. No. 66—An act to incorporate Steubenville Lodge No. 45, of Free and Accepted Masons, of Steubenville, Ohio;

S. No. 73—An act for the relief of certain securities;

S. No. 75—An act to incorporate the First Congregation of Disciples, at Fulton, Stark county;

S. No. 106—An act to amend an act entitled, "an act to incorporate the First Protestant Methodist Society, in the township of Brooklyn, in the county of Cuyahoga," passed March 17, 1840;

Resolution relative to the Treasurer of State;

Resolution relative to the Secretary of State;

Resolution allowing certain claims;

Resolutions directing the Auditor of State to suspend the issuing of warrants to Turnpike companies, &c.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted H. bill No. 204, to amend an act entitled, "an act for the opening and regulating roads and highways," passed March 14, 1831, reported the same back without amendment.

On motion,

The bill was indefinitely postponed.

Mr. Hazeltine, from the standing committee on Agriculture, Manufactures and Commerce, to which the subject of the further prosecution of the geological survey of the State had been referred, made the following report:

The standing committee on Agriculture, Manufactures and Commerce, to which was referred so much of the Governor's message as relates to the further prosecution of the geological survey of the State, have had the same under consideration, and now report:

That, however desirable it might be, under different circumstances, to prosecute to completion the geological survey of the state, the present exigencies of our financial affairs would seem to forbid any appropriation for that purpose at present. In the opinion of your committee, the inquiry should not be, how much money can be expended in prosecuting public enterprises, but should rather be limited to the promotion and prosecution of such interests as are indispensable to the welfare of the great body of the people, and without which the public service must be subjected to some serious disadvantage. The geological survey of the state does not, in the opinion of your committee come within the limits of the latter consideration, and they would, therefore, ask to be discharged from the further consideration of the subject.

Mr. Ritchey, from the standing committee on New Counties, to which the petitions of sundry citizens of Erie county, praying that the mile strip in that county may be attached to the county of Huron, had been referred, reported the same back, asked to be discharged from its further consideration, and recommended its postponement until the first Monday of December next, which was agreed to:

The standing committee on New Counties, to whom was referred the petitions of sundry citizens of Erie county, praying that the mile strip in that county may be attached to the county of Huron, have had the same under consideration, and ask leave to be discharged from the further consideration of the subject, and that the same be postponed to the first Monday of December next.

Mr. Ritchey, from the standing committee on New Counties, to which the petition of citizens of Woodville, praying the Legislature to set back to Sandusky county the original township number six, &c., had been referred, reported the same back, asked to be discharged from the further consideration of the same, and that the petitioners have leave to withdraw their petition, which was agreed to.

Mr. Taylor, from the standing committee on the Currency, to which was recommitted the bill, H. No. 57, to amend an act entitled, "an act further to amend the act entitled, 'an act to prohibit the issuing and circulating of unauthorized bank paper,'" passed January 27, 1816, and to repeal certain acts and parts of acts therein named, passed March 23, 1840, reported the same back with amendments, which were agreed to.

On motion of Mr. Bartley,

The bill was laid on the table.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted H. bill No. 193, to authorize the county commissioners of Williams county to levy additional taxes for road purposes, reported the same back, and recommended its indefinite postponement.

On motion of Mr. Clark,

The bill was laid on the table.

Mr. Carpenter, from the select committee on that subject, introduced the following bill, which was read the first time:

S. No. 164—A bill to incorporate the Union Society of the Oberlin Collegiate Institute.

Mr. Carpenter, from the select committee on that subject, introduced a bill, S. No. 165, to incorporate the First Regular Baptist Church and Society in Camden, Lorain county, which was read the first time.

Mr. Godman, from the select committee to which was referred H. bill No. 93, to vacate a certain State road in Delaware county, reported the same back and recommended that it be referred to the standing committee on Roads and Highways, which was agreed to.

Mr. Hostetter, from the select committee to which was recommitted H. bill No. 80, for the relief of Robert Willet, reported the same back and recommended its indefinite postponement, which was agreed to.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day, to wit:

S. No. 162—A bill to amend an act to incorporate the Philozetian Society of the Western Reserve College;

S. No. 163—A bill to incorporate the Macedonian Christian Church of Harrison, in the county of Gallia.

The following bills were read the third time and passed, to wit:

S. No. 151—An act to incorporate the Euphemia, Lewisburg and West Alexandria Turnpike road Company;

S. No. 147—An act to lay out and establish a graded State road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county;

H. No. 145—An act to amend the act entitled, "an act for the punishment of crimes," passed March 7, 1835.

The following bill was read the third time:

S. No. 150—An act to incorporate the Farmers' Mill Company, in the county of Gallia.

The question occurring on the passage of the bill,

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 18, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Latham, Perkins, Ream, Ritchey, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Root, Spangler, Taylor, Walton and Speaker—13.

So the bill passed.

The following bill was read the third time:

H. No. 142—An act to amend an act for the inspection of certain articles therein enumerated, passed March 9, 1831.

The question occurring on the passage of the bill, the yeas and nays were demanded, which being ordered, were, yeas 7, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Holmes, Sill, Wade, Walton and Speaker—7.

Nays—Messrs. Aten, Bartley, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Hostetter, Latham, Mitchell, Ream, Root, Spangler, Stanton, Taylor and Waddle—19.

So the bill failed.

Ordered, that the titles of the bills passed be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed an enrolled resolution, directing the Auditor of State to suspend the issuing of warrants to turnpike companies, &c., to which the signature of the Speaker of the Senate is requested.

Attest:

GEO. M. AYRES, *Clerk*.

The Speaker of the Senate signed the above enrolled resolution.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 135—To amend the act entitled "an act in relation to incorporated religious societies," passed March 5, 1836;

H. No. 211—To vacate Vinton street, in the town of Miamisburg, in the county of Montgomery;

H. No. 224—Further to amend the act entitled an act to incorporate the city of Ohio;

H. No. 225—To amend an act entitled "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841;

H. No. 245—To settle the claims of Edmund Lytle and George D. Leckey;

H. No. 247—For the relief of Susannah McGrew;

H. No. 256—To extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes.

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution in relation to the reception of Charles R. Kennedy in the Blind Asylum.

The following bills of the Senate have been read the third time and passed, with amendment, to which the concurrence of the Senate is requested:

S. No. 50—Further to amend the act entitled "an act to incorporate the town of Milan," passed February 23, 1833;

S. No. 76—To regulate Banking in Ohio;

S. No. 110—To authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river at Piketon;

The House has passed the resolution of the Senate in relation to compensating William Domigan for attendance, &c., on the Supreme Court in Bank.

The following bills have been reported to the House and read the first time, to wit:

H. No. 301—Making provision for the election of Superintendent of the National road;

H. No. 302—To incorporate the Batavia Mechanics' Institute;

H. No. 303—To amend the act entitled "an act to incorporate the town of Addison, in the county of Champaign," passed March 11, 1836;

H. No. 304—To amend an act entitled an act to incorporate the town of Reynoldsburg, in the county of Franklin.

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

The Senate concurred in the House resolution relative to Charles R. Kennedy.

The Senate concurred in the House amendments to Senate bills Nos. 110, and 50.

Senate bill No. 76, with House amendments thereto, was referred to the standing committee on the Currency.

On motion of Mr. Hazeltine,

The Senate took up the following resolution:

Resolved, That when the Senate adjourn hereafter it shall be to meet again at nine o'clock, A. M., and when it takes a recess it shall meet again at half past two o'clock, P. M.

Mr. Thomas moved a call of the Senate, which being ordered, Messrs. Henderson, Leonard, Nash, Perkins, Robbins and Van Vorhes, were found absent.

On motion of Mr. Sill,

Mr. Henderson was excused.

On motion of Mr. Clark,

Mr. Leonard was excused.

On motion of Mr. Spangler,

Mr. Robbins was excused.

On motion of Mr. Hazeltine,

Further proceedings under the call were dispensed with.

The question occurring on agreeing to the resolution just taken up, Mr. Goodin demanded the yeas and nays, which, being ordered, were, yeas 21, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Dewey, Ford, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Spangler, Stanton and Walton—21.

Nays—Messrs. Carpenter, Crowell, Godman, Root, Sill, Taylor, Thomas, Wade, Waddle and Speaker—10.

So the resolution was agreed to.

Mr. Stanton moved that the Senate reconsider its vote on ordering to be engrossed Senate bill No. 115, for the relief of contractors on the Wabash and Erie canal, on the Miami Extension, and for the completion of the same; which was agreed to.

On motion of Mr. Thomas,

The bill was then laid upon the table.

On motion of Mr. Bartley,

The Senate took up House bill No. 21, to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824.

Mr. Root moved a call of the Senate, which being ordered, Messrs. Bartley, Carpenter, Clark, Crowell, Henderson, Holmes, Leonard, Nash, Ritchey, Robbins, Taylor and Thomas, were found absent.

On motion of Mr. Root,

Messrs. Henderson and Robbins were excused.

On motion of Mr. Walton,

Further proceedings under the call were dispensed with.

The question occurring on agreeing to the amendments to House bill No. 21,

Mr. Nash moved to amend the amendment by striking out in the first line of the second amendment, the words "now pending, or;" on which motion he demanded the yeas and nays, which, being ordered, were, yeas 16, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Godman, Latham, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—17.

So the amendment to the amendment was disagreed to.

On motion of Mr. Bartley,

The bill and pending amendments were then referred to the standing committee on the Judiciary.

On motion of Mr. Ford,

The Senate reconsidered its vote on ordering to its engrossment House bill No. 142, to amend "an act for the inspection of certain articles therein enumerated," passed March 9, 1831.

The question occurring on the passage of the bill,

The bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read the third time and passed, to which the concurrence of the Senate is requested:

H. No. 157—To lay out and establish a graded State road in the counties of Muskingum and Coshocton;

H. No. 238—To lay out and establish a graded State road in the counties of Holmes, Wayne and Stark;

H. No. 280—To repeal the charter of the Ohio Insurance Company;

H. No. 281—To repeal the charter of the Farmers, Mechanics and Manufacturers Bank of Chillicothe;

H. No. 286—To repeal the charter of the Farmers and Mechanics Bank of Cincinnati;

H. No. 289—To repeal the charter of the Bank of New Lisbon.

The House has passed the following resolutions, to which the concurrence of the Senate is requested:

A resolution in relation to the claim of Griffith, Standard & Co., and J. F. West;

A resolution relating to the claim of Jacob Harper.

The House has concurred in the following Senate resolution:

A resolution in relation to Evans Bently.

Attest:

GID. M. AYRES, *Clerk*.

The bills of the House were read the first time.

The House resolutions were referred to the standing committee on Claims.

Mr. Aten, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have compared and found correctly enrolled the following acts and resolutions:

H. No. 270—An act to amend the act fixing the times of holding the courts of common pleas for the year 1842;

H. No. 152—An act to alter a certain State road in Allen and Putnam counties;

H. No. 160—An act to incorporate the Myrtle tree Baptist Church, of Lawrence county;

H. No. 168—An act for the relief of Fitzaland Jennings, of Scott township, Sandusky county;

H. No. 171—An act to incorporate the Roman Catholic Church, in Vernon township, Richland county, under the name and style of the Church of Jesus' Heart;

H. No. 182—An act to incorporate the Regular Baptist Church, of Jesus Christ, in the town of Windsor, in Richland county;

H. No. 185—An act to incorporate the Regular Baptist Church, of Bethel, in Madison township, Franklin county;

H. No. 190—An act to incorporate the First Regular Baptist Church, of Neville, in Clermont county;

H. No. 191—An act for the relief of Robert Dunham, Abram Tee-ter and William Roudebush, Fund Commissioners, of Clermont county;

H. No. 197—An act to incorporate the Aushi Chesmed Congregation of the city of Cleveland;

H. No. 199—An act to incorporate the First Congregational Society, of Geneva, Harpersfield and Saybrook, in the county of Ashtabula;

H. No. 203—An act to incorporate the town of Galion, in the county of Richland;

H. No. 123—An act to incorporate the Woodland Cemetery Association of Dayton;

H. No. 207—An act to lay out and establish a graded State road in the counties of Holmes and Stark;

H. No. 62—An act to amend an act entitled an act to incorporate the Hamilton and Rossville Hydraulic Company;

H. No. 20—An act to amend an act entitled an act to incorporate the town of New Lisbon, in the county of Columbiana;

H. No. 116—An act to authorize the levy of an additional tax, in school district number two, in Rome township, in the county of Ashtabula;

H. No. 132—An act to incorporate the Dover Library Association, in the county of Cuyahoga;

H. No. 130—An act to incorporate the Donnelsville Library Association, in the county of Clark;

H. No. 124—An act to incorporate the Montgomery Turnpike Company;

H. No. 40—An act to repeal the act to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the Diocese of Ohio,

H. No. 94—An act to alter certain school districts, in Bucyrus township, in Crawford county;

H. No. 48—An act defining certain duties of clerks, sheriffs, and prosecuting attorneys;

H. No. 26—An act concerning elections, in the township of Cleveland;

H. No. 87—An act to authorize the Fund Commissioners of Hamilton county to purchase certain real estate;

H. No. 76—An act to repeal the act incorporating the town of Hillsborough, in the county of Highland;

H. No. 125—An act to incorporate the First Presbyterian Church of Piqua, in the county of Miami;

H. No. 114—An act to provide for the improvement and repair of a certain county road, in Hamilton county;

S. No. 27—An act fixing the times of holding the Supreme Court, for the year 1842;

Resolution, in relation to the admission of Constant Ruby, and Tracy Ruby, into the Blind Asylum;

Resolution, relative to the admission of James Darrough into the Asylum for the Deaf and Dumb;

Resolution, relative to the admission of Lucy Swift into the Asylum for the Deaf and Dumb.

On motion of Mr. Clark,

The bill, H. No. 193, to authorize the county commissioners of Williams county to levy an additional tax for road purposes, was taken up.

On motion, the bill was

Referred to a select committee of one, and Mr. Clark appointed that committee.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to House bill No. 27.

Messrs. Jones, Wolcott, and Powell, are appointed a committee of Conference, on the part of the House, in relation to the claim of G. Nelson Cumming.

Attest:

GID. M. AYRES, *Clerk*

Mr. Clark moved that the Senate adjourn; on which motion,

Mr. Root demanded the yeas and nays, which being ordered, were, yeas 19, nays 13, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Dewey, Foos, Harris, Holmes, Hestetter, Latham, Mitchell, McConnell, Nash, Ritchey, Sill, Spangler, Taylor, Thomas, Wade, Walton, and Speaker—19.

Nays—Messrs. Aten, Barnett, Crowell, Ford, Godman, Goodin, Hazeltine, Leonard, Ream, Root, Stanton, Van Vorhes, and Waddle—13.

So the Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

SATURDAY, FEBRUARY 26, 1842.

The Senate met pursuant to adjournment.

Mr. Van Vorhes presented a petition from contractors of the Hocking Improvement, praying for relief; which was

Laid on the table.

Mr. Ford presented a petition from citizens of Lake and Geauga counties, praying the appointment of commissioners for the state road leading from Ravenna, in Portage county, to Painesville, in Lake county, and for other purposes; which was

Referred to the standing committee on Roads and Highways.

Mr. Spangler, from the standing committee on Finance, reported a bill (Senate No. 166,) making provision for the sale of lands and town lots for taxes, in Lucas county; which was read the first time.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted the bill (House No. 111,) to vacate a part of the state road leading from Cincinnati, in Hamilton county, to Bethel, in Clermont county, reported the same back, and recommended its indefinite postponement; which was agreed to.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill No. 141, to amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838, reported the same back with sundry amendments.

Mr. Spangler moved to postpone the bill and pending amendments until the first Monday in December next; and on his motion, demanded the yeas and nays; which being ordered, were, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Ford, Foos, Godman, Goodin Hazeltine, Hostetter, Latham, Perkins, Ream, Root, Spangler, Waddle, and Walton—15.

Nays—Messrs. Aten, Barnett, Carpenter, Crowell, Dewey, Harris, Holmes, Mitchell, McConnell, Nash, Ritchey, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade and Speaker—18.

So the Senate refused to postpone.

The question then occurring on agreeing to the amendments of the standing committee on Schools and School Lands; they were severally considered and concurred in.

Mr. Barnett moved to amend the bill, by striking out sections nine, ten, eleven, and twelve; and on his motion,

Demanded the yeas and nays; which being ordered, were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Ford, Foos, Godman, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Perkins, Ream, Ritchey, Thomas, Waddle, Walton and Speaker—20.

Nays—Messrs. Carpenter, Crowell, Dewey, Godman, McConnell, Nash, Root, Sill, Spangler, Stanton, Taylor, Van Vorhes and Wade—13.

So the sections were stricken out.

On motion of Mr. Ritchey,

The bill was further amended.

On motion of Mr. Carpenter,

The bill was further amended, and then

Ordered to be engrossed for its third reading on Monday.

Mr. Ford, from the standing committee on Finance, to which was referred a communication from Leander Ransom, a member of the Board of Public Works, reported the following preamble and resolution; which were agreed to:

Whereas, a law was passed by the General Assembly of the State of Ohio, March 4th, 1834, loaning the Milan Canal Company fifteen thousand dollars, and on receipt of the money the company gave a bond in pursuance of the law; and, whereas, after the passage of the law "authorizing a subscription of stock, by the State, to Canal and Slackwater Navigation Companies, &c., a subscription was made by the State to the capital of said company, to the amount of \$25,000; and on a payment being due to said company from the State, on said subscription, of \$21,500, it was paid as follows, to wit: the loan of \$15,000, and the interest up to that time, amounting to \$17,150, was deducted from the \$21,500, and receipted for by the President of the company as paid, and the remainder paid by a check on the Trust Company; and, whereas, the Treasurer does not feel authorized to give up said bond without authority from the General Assembly; therefore,

Resolved, by the General Assembly of the State of Ohio, That the Treasurer of State is hereby authorized and directed to give up to the President of the Milan Canal Company, the bond given by said company to the State of Ohio, for the loan of the State to said company, under the law for that purpose, passed March 4, 1834, taking the receipt of said President for the same.

Mr. Taylor, from the standing committee on the Currency, made the following report, accompanied by the annexed bill; which was read the first time:

The standing committee on the Currency, to which was referred a resolution, instructing it to report a bill to repeal the charter of sundry banks therein named, ask to be discharged from the performance of that duty, for the reason, that bills for the like purpose have been introduced into the other branch of this Legislature, except as to the Miami Exporting Company, and the committee herewith report a bill to repeal the charter of said company.

S. No. 167—A bill to repeal the charter of the Miami Exporting Company, and so much of the act to incorporate certain banks therein named, and to extend the charters of existing incorporated banks, as revives said company.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill No. 139, in addition to an act to provide for the sale of lands granted by Congress for the use of schools within the Virginia Military District, and to authorize the lessees of said lands to surrender their leases, and receive certificates of purchase, reported the same back without amendment.

On motion of Mr. Bartley,

The bill was laid on the table.

Mr. Taylor, from the standing committee on the Currency, reported the following bill; which was read the first time:

S. No. 168—A bill to amend an act to provide for the levying a tax on the capital of exchange brokers, and stock jobbers, &c., passed March 21, 1840.

Mr. McConnell, from the standing committee on Canals, to which the subject was referred, reported the following resolution:

Resolved, That the Board of Public Works, be and they are hereby authorized and required to appoint three disinterested freeholders, to act as appraisers of the damage caused to the property of George W. Phillips, and John George Hagan, of the county of Hamilton, and state of Ohio, whose duty it shall be to meet upon the premises of the said claimants, and taking into consideration the character of said claims, award such damages thereon, upon the principles laid down in the act entitled, "an act to provide for the internal improvement of the state of Ohio, by navigable canals," passed February 4, 1825, as they shall deem just and equitable; after being reported to the Board of Public Works, shall be paid out of the Miami canal fund, in the manner in such cases usually adopted.

The question occurring on agreeing to the resolution,
Mr. Holmes demanded the yeas and nays, which being ordered,
were, yeas 19, nays 11, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Foos, Godman, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Nash, Perkins, Root, Sill, Stanton, Van Vorhes and Speaker—19.

Nays—Messrs. Aten, Bartley, Dewey, Ford, Goodin, Leonard, Spangler, Taylor, Wade, Waddle and Walton—11.

So the resolution was agreed to.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted Senate bill, No. 127, to authorize the sale of school section number sixteen, in Brady township, Williams county, reported the same back without amendment.

On motion of Mr. Clark,

The bill was laid upon the table.

Mr. Nash, from the same committee, to which was recommitted House bill, No. 106, to authorize the sale of section number sixteen, in Tymochtee township, in the county of Crawford, reported the same back without amendment.

The question occurring on ordering the bill to its third reading,

Mr. Root demanded the yeas and nays, which being ordered, were, yeas 19, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Dewey, Godman, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Ream, Ritchey, Sill, Taylor, Thomas, Van Vorhes and Speaker—19.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Holmes, Mitchell, McConnell, Nash, Perkins, Root, Spangler, Stanton, Wade, Waddle and Walton—15.

So the bill was,

Ordered to its third reading on Monday next.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted Senate bill, No. 123, further to amend the act entitled, "an act regulating judgments and executions," reported the same back with sundry amendments, some of which were agreed to, and others disagreed to.

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Clark, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ritchey, Spangler, Taylor, Thomas, Walton, and Speaker—15.

Nays—Messrs. Barnett, Bartley, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Goodin, Nash, Perkins, Ream, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—18.

So the Senate refused to order the bill to its engrossment.

Mr. Clark, from the select committee, to which was recommitted House bill, No. 193, to authorize the county commissioners of Williams county to levy an additional tax for road purposes, reported the same back with one amendment; which was agreed to.

The question occurring on ordering the bill to its third reading,

Mr. Spangler demanded the yeas and nays, which being ordered, were, yeas 26, nays 8, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Charpenter, Clark, Crowell, Dewey, Ford, Foos, Goodin, Harris, Hazeltine, Holmes, Latham, Leonard, McConnell, Perkins, Ream, Ritchey, Root, Sill, Stanton, Van Vorhes, Wade, Walton and Speaker—26.

Nays—Messrs. Godman, Hostetter, Mitchell, Nash, Spangler, Taylor, Thomas and Waddle—8.

So the bill was,

Ordered to its third reading on Monday next.

Mr. Nash, from the select committee on that subject, reported the following resolution; which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works are hereby instructed and directed so to modify their rates of tolls for the transportation of salt, not the manufacture of Ohio, as to require the tolls on the same to be paid at not less than the present rates of nine and six mills per mile, for the entire distance the same may be transported upon any of the public works of this state, and that no drawback shall, in any case, be allowed; and that the highest rate of tolls shall not be charged upon any article, except upon the first fifty miles, the same may be transported upon any of the public works, notwithstanding the same may have been shipped from a point not upon the Ohio canal, to some point on the same, and the reverse, and notwithstanding, also a new clearance may be required at the office, at the junction of the Ohio canal, and such other public work connected therewith.

The following bills were read the second time, committed to a committee of the whole Senate and made the order of the day, for this day:

S. No. 164; A bill to incorporate the Union Society of the Oberlin Collegiate Institute;

S. No. 165; A bill to incorporate the First Regular Baptist Church and Society in Camden, Lorain county;

H. No. 135; A bill to amend the act antititled, an act in relation to incorporated religious societies, passed March 5, 1836;

H. No. 247; A bill for the relief of Susanna McGrew;

H. No. 245; A bill to settle the claims of Edmund Lytle and George D. Leckey;

H. No. 225; A bill to amend an act entitled, "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841;

H. No. 224; A bill further to amend the act entitled, "an act to incorporate the City of Ohio;"

H. No. 211; A bill to vacate Vinton street, in the town of Miamisburg, in the county of Montgomery;

H. No. 235; A bill to lay out and establish a graded state road in the counties of Holmes, Wayne and Stark;

H. No. 157; A bill to lay out and establish a graded state road in the counties of Muskingum and Coshocton;

H. No. 289; A bill to repeal the charter of the Bank of New Lisbon;

H. No. 286; A bill to repeal the charter of the Farmers' and Mechanics' Bank of Cincinnati;

H. No. 281; A bill to repeal the charter of the Farmers', Mechanics' and Manufacturing Bank of Chillicothe;

H. No. 280; A bill to repeal the charter of the Ohio Insurance Company.

Message from the House of Representatives.

Mr. Speaker:

The House has passed Senate resolution in relation to the adjournment of the General Assembly, with one amendment; to which the concurrence of the Senate is requested.

Attest:

GID. M. AYRES, *Clerk.*

The question occurring on agreeing to the House amendment to the Senate resolution, fixing the time for the adjournment and reassembling of the General Assembly, which is as follows:

"In third line, strike out 30th day of May, and insert the 25th day of July."

Mr. Leonard moved that the Senate disagree to the House amendment, on which motion, he demanded the yeas and nays, and being ordered, were, yeas 9, nays 25, as follows, to wit:

Yeas—Messrs. Barnett, Foos, Goodin, Leonard, Mitchell, Perkins, Thomas, Van Vorhes and Speaker.—9.

Nays—Messrs. Aten, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Godman, Harris, Hazeltine, Holmes, Hostetter, Latham, McConnell, Nash, Ream, Ritchey, Root, Sill, Spangler, Stanton, Taylor, Wade, Waddle and Walton—25.

So the amendment of the House was agreed to, and the resolution as amended, is as follows, to wit:

Resolved, by the Senate and House of Representatives, That both branches of this General Assembly shall adjourn on Monday, the 7th day of March, 1842, to meet again on Monday the 25th day of July next.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills, to which the signature of the Speaker of the Senate is requested:

Senate bill, No. 11, to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line;

Senate bill, No. 14, to authorize the trustees of school section number sixteen in Hopewell township, Seneca county, to lease said school lands;

Senate bill, No. 44, to incorporate the Presbyterian Society of the town of Ashland, Richland county;

Senate bill, No. 46, to incorporate the Presbyterian Church of Cross Creek, in the county of Jefferson;

Senate bill, No. 52, authorizing the commissioners of Hancock county, to assess additional taxes for bridge purposes;

Senate bill, No. 55, to restore Leonard L. Bush to his legal rights and privileges;

Senate bill, No. 57, to incorporate the First Presbyterian Church of Grand, Marion county;

Senate bill, No. 61, to vacate part of the state road running from the southeast corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the county line road;

Senate bill, No. 66, to incorporate Steubenville Lodge, No. 45, of Free and Accepted Masons of Steubenville, Ohio;

Senate bill, No. 73, for the relief of certain securities;

Senate bill, No. 75, to incorporate the First Congregation of Disciples at Fulton, Stark county;

Senate bill, No. 106, to amend the act entitled, an act to incorporate the First Protestant Methodist Society, in the township of Brooklyn, in the county of Cuyahoga, passed March 17, 1840;

House bill, No. 26, concerning elections in the township of Cleveland;

House bill, No. 40, to repeal the act to amend the act to incorporate the Theological Seminary of the Protestant Episcopal Church in the Diocese of Ohio;

House bill, No. 48, defining certain duties of clerks, sheriffs and prosecuting attorneys;

House bill, No. 76, to repeal the act incorporating the town of Hillsborough, in the county of Highland;

House bill, No. 87, to authorize the fund commissioners of Hamilton county, to purchase certain real estate;

House bill, No. 94, to alter certain school districts in Bucyrus township, Crawford county;

House bill, No. 114, to provide for the improvement and repair of a certain county road in Hamilton county;

House bill, No. 125, to incorporate the First Presbyterian Church of Piqua, in the county of Miami;

House bill, No. 130, to incorporate the Donelsonville Library Association, in the county of Clark;

House bill, No. 132, to incorporate the Dover Library Association, in the county of Cuyahoga.

The Speaker of the House has also signed the following resolutions, to which the signature of the Speaker of the Senate is also requested:

Senate resolution relative to the Secretary of State;

Senate resolution relative to the Treasurer of State;

Senate resolution allowing certain claims;

House resolution relative to admitting Lucy Swift in the Asylum for the Deaf and Dumb;

House resolution to admit James Darrough in the Deaf and Dumb Asylum;

House resolution in relation to the admission of Constant Ruby, and Tracy Ruby, into the Blind Asylum.

The following bills of the House were read the third time and passed, to which the concurrence of the Senate is requested:

House bill, No. 63, for the relief of John Erb, Jacob Warner, and Mark W. Dabb.

House bill, No. 227, to provide for the permanent location of the seat of justice for the county of Meigs.

House bill, No. 248, to incorporate the First Presbyterian Church in the town of Addison, Champaign county.

The following bill has been reported to the House and read the first time:

House bill, No. 306, to incorporate the President, Directors, and Co., of the Bank of Mount Pleasant.

Attest:

GID. M. AYRES, Clerk.

The bills of the House were read the first time.

The Speaker of the Senate signed the above enrolled bills and resolutions.

Mr. Sill offered for adoption the following resolution; which was agreed to:

Resolved, by the Senate and House of Representatives, That the joint rules of the two Houses be so amended as to authorize the Speakers of the two Houses to appoint each an additional member of the joint standing committee on Enrolment.

The Speaker presented a communication from the Governor, announcing the resignation of John Thompson, as Major General of the 6th Division of Ohio Militia, and of Charles Campbell, as associate judge for the county of Perry.

On motion,

The communication was laid upon the table.

Mr. Taylor, from the standing committee on the Currency, on leave, reported the following bill; which was read the first time, to wit:

S. No. 169; A bill supplementary to the act entitled, "an act further to amend an act providing for the appointment of a Board of Bank Commissioners, and for the regulation of Banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the Banks within the state of Ohio," passed February, 1842.

On motion of Mr. Leonard,

The standing committee on the Penitentiary were excused from attendance in the Senate, during the afternoon session of this day;

Mr. Spangler, from the joint select committee of Conference, made the following report; which was agreed to:

The joint select committee of Conference on the matter of difference between the two Houses concerning the resolution allowing G. N. Cumming a compensation for his services, have agreed to recommend to each House to amend the resolution by striking out "three hundred," and inserting "two hundred and fifty," in the second and third lines.

Mr. Root, from the standing committee on Public Institutions, offered for adoption the following resolution; which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That Adin G. Hibbs be and he is hereby reappointed a director of the Ohio Lunatic Asylum for the term of five years.

Mr. Clark gave notice, that on to-morrow, or some subsequent day of the present session, he would introduce a bill to incorporate the Defiance Library Association.

Mr. Walton moved a call of the Senate; which, being ordered, Messrs. Crowell, Dewey, Godman, Henderson, Leonard, Mitchell, Robbins and Stanton, were found absent.

On motion,

Further proceedings under the call were dispensed with.

On motion of Mr. Nash,

The Senate resolved itself into committee of the whole, Mr. Root in the chair, on the orders of the day, and after the consideration thereof, the committee rose and reported back the following bills, to wit:

S. No. 153; A bill to repeal the act entitled, "an act for incorporating a library society in the town of Granville, in the county of Fairfield, under the name and title of Granville Alexandrian Society."

Recommitted to the standing committee on the Judiciary.

S. No. 154; A bill to amend an act entitled, "an act to incorporate and establish the city of Cincinnati, and for revising all laws heretofore enacted on that subject," passed March 1, 1834, and also an act amendatory thereto, passed March 19, 1840.

Recommitted to the standing committee on Corporations.

S. No. 155; A bill to lay out and establish a graded state road in the counties of Athens and Meigs.

Recommitted to the standing committee on Roads and Highways.

S. No. 156; A bill to authorize the sale of school section number sixteen, in Jefferson township, Williams county.

Laid on the table.

S. No. 158; A bill to incorporate the First Methodist Episcopal Church of Fitchville, Huron county.

Recommitted to the standing committee on Corporations.

S. No. 159; A bill to divorce Hannah J. Herrick, from her husband, George W. Herrick.

Laid on the table.

S. No. 160; A bill to incorporate the First Free Will Baptist Church of Marion township, Marion county.

Recommitted to the standing committee on Corporations.

S. No. 161; A bill to incorporate the Bethany Regular Baptist Church of the county of Scioto.

Recommitted to the standing committee on Corporations.

S. No. 162; A bill to amend an act to incorporate the Philozetian Society of the Western Reserve College.

Recommitted to the standing committee on Corporations.

S. No. 163; A bill to incorporate the Macedonian Christian Church of Harrison, in the county of Gallia.

Ordered to be engrossed for its third reading on Monday next.

H. No. 205; A bill to incorporate the Lafayette University at New Carlisle, Clark county.

Recommitted to the standing committee on Corporations.

S. No. 157; A bill to repeal the act incorporating the town of Medina, and the acts amendatory thereto.

Recommitted to the standing committee on Corporations.

On motion of Mr. Godman,

The Senate took up House bill No. 70, to incorporate the First Presbyterian Church of Liberty township, in Delaware county.

Recommitted to the standing committee on Corporations.

Mr. Aten, from the joint standing committee on Enrolment, made the following report; which was agreed to:

The joint standing committee on Enrolment have examined, compared, and found correctly enroled, the following acts and resolutions, viz:

S. No. 40—An act to amend the act entitled, "an act to establish a Court in Bank, and to regulate its practice," passed March 10, 1831.

S. No. 113—An act to suspend the sixth section of the act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said sections affect the township of Monroe, in the county of Logan.

S. No. 114—An act to amend the act entitled, "an act granting licenses to pedlars."

S. No. 99—An act to incorporate the First Regular Baptist Church of Twinsburg, in Summit county.

S. No. 94; An act to extend the provisions of the act entitled, "an act providing for the appointment of commissioners of sewers, in certain counties in this state, passed March 26, A. D., 1841, to the counties of Logan and Miami.

S. No. 107—An act to amend the act entitled, "an act to incorporate

the Protestant Methodist Academy in the village of Brighton, in the county of Cuyahoga," passed March 17, 1840.

S. No. 95—An act to incorporate the First Free Will Baptist Society in the township of Liberty, in the county of Licking.

S. No. 103—An act to incorporate the Kaal a Kadesh Beni Jeshurun (Holy Congregation of Children of Jeshurun) of the city of Cincinnati.

S. No. 93—An act to incorporate the trustees of the Wesley Chapel, of the Methodist Episcopal Church, at Chagrin Falls, in the county of Cuyahoga.

S. No. 63—An act to amend the act entitled, "an act to amend an act entitled an act to incorporate the Stark county Mutual Insurance Company," passed March 27, 1841.

S. No. 100—An act to incorporate the town of Albany, in the county of Athens.

S. No. 78—An act to incorporate the First Regular Baptist Church in Berlin, Erie county, Ohio.

S. No. 69—An act to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county.

S. No. 86—An act to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens.

S. No. 82—An act to incorporate the Wardens and Vestry of Trinity Church, in Toledo, in the county of Lucas.

S. No. 65—An act to amend "an act to provide for the election and resignation of justices of the peace," passed January 31, 1831.

S. No. 51—An act to confer the authority of changing the names of persons, towns and villages, upon the court of common pleas.

H. No. 105—An act to amend an act entitled, "an act for the inspection of certain articles therein enumerated."

H. No. 121—An act to lay out and establish a graded state road in the counties of Harrison and Belmont.

H. No. 139—An act to incorporate the German Methodist Episcopal Church of Marietta, in Washington county.

H. No. 140—An act to incorporate the First Regular Baptist Church of Green township, Richland county.

H. No. 151—An act to incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county.

H. No. 154—An act to incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga.

H. No. 161—An act to incorporate the Symmes' Creek Baptist Church, in Lawrence county.

H. No. 166—An act to incorporate the Fifth street Baptist Church of Cincinnati, Hamilton county.

H. No. 170—An act to incorporate the First Regular Church and Society of Henrietta, in Lorain county.

H. No. 173—An act to review and locate so much of the state road leading from Mount Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek and Glenn's Run.

H. No. 176—An act to incorporate the Second Presbyterian Church of Oxford in the county of Butler.

H. No. 178—An act to incorporate the First Baptist Society of Huntingdon, Lorain county, Ohio.

H. No. 186—An act to incorporate the Wardens, Vestrymen and Associate Members of the Parish of St. Paul's Church of the town of Lower Sandusky.

H. No. 189—An act to provide for the renumbering the lots in the city of Dayton.

H. No. 198—An act to incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll.

H. No. 200—An act to incorporate the town of Lima, in the county of Allen.

H. No. 202—An act to incorporate the town of Benton, in Holmes county.

Resolution in relation to the compensating William Domigan, for attendance, &c., on the supreme court in bank.

Resolution in relation to Evans Bentley.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill No. 56, reported the same back with sundry amendments.

The bill and pending amendments were laid upon the table, and the amendments ordered to be printed.

Mr. Nash moved that the Senate adjourn; on which motion,

The yeas and nays were demanded; and, being ordered, were, yeas 8, nays 21, as follows, to wit:

Yeas—Messrs. Bartley, Clark, Dewey, Foos, Nash, Ream, Spangler and Speaker—8.

Nays—Messrs. Aten, Barnett, Carpenter, Ford, Godman, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ritchey, Root, Sill, Stanton, Taylor, Van Vorhes, Waddle and Walton—21.

So the Senate refused to adjourn.

Mr. Nash moved a call of the Senate; which, being ordered, Messrs. Crowell, Henderson, Leonard, Robbins, Thomas and Wade, were found absent.

On motion,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

MONDAY, FEBRUARY 28, 1842.

The Senate met pursuant to adjournment.

Mr. Taylor presented a petition from Benjamin Briggs, Esq., of Newark, Ohio, praying the legislature to abolish all laws for the collection of debts after the first of June next, and to refuse to charter any more banks in any form; which was referred to the standing committee on the Judiciary.

Mr. Godman presented a petition from citizens of Union township, Licking county, praying the legislature to adjourn forthwith, and that no extra session may be held; which was referred to the standing committee on Finance.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted Senate bill, No. 155, to lay out and establish a graded state road in the counties of Meigs and Athens, reported the same back with sundry amendments; which were agreed to, and the bill,

Ordered to be engrossed for its third reading on to-morrow.

Mr. Spangler, from the standing committee on Finance, reported the following bill; which was read the first time: :

S. No. 170; A bill further to amend the act entitled, "an act to abolish the Board of Canal Commissioners, and to revive the Board of Public Works," passed March 5, 1839.

Mr. Spangler moved that the constitutional rule be dispensed with; in order that the bill may be read the second time this day; on which motion,

Mr. Leonard demanded the yeas and nays; which being ordered, were, yeas 20, nays 10, as follows, to wit:

Yeas—Messrs. Allen, Barnett, Dewey, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—20.

Nays—Messrs. Bartley, Ford, Godman, Leonard, Nash, Root, Sill, Van Vorhes, Wade, and Waddle—10.

So the Senate refused to dispense with the constitutional rule.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill, No. 21, to amend the act entitled, "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824, and the Senate amendments thereto, reported the same back without further amendment.

The question occurring on agreeing to the amendments of the Senate,

Mr. Thomas moved a call of the Senate; which being ordered Messrs. Carpenter, Henderson and Sill were found absent.

Mr. Taylor moved that further proceedings under the call be dispensed with,

And on his motion, demanded the yeas and nays; which being ordered, were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Speaker—17.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Godman, Latham, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Walton—17.

So the Senate refused to dispense with further proceedings under the call.

On motion of Mr. Perkins,

Mr. Henderson was excused.

On motion of Mr. Hazeltine,

Further proceedings under the call were dispensed with.

The question recurring on agreeing to the second amendment of the Senate to House bill, No. 21.

On motion of Mr. Bartley,

The amendment was amended.

The question recurring on agreeing to the second amendment of the Senate as amended.

Mr. Nash called for a division of the question.

It turned on striking out all of the first section, after the enacting clause.

The Senate agreed to strike out.

Mr. Latham moved that the amendments be recommitted to a select committee of one, with instructions to strike out in the first line of the second amendment, the words, "now pending, or;" and on this motion,

Mr. Holmes called for a division of the question.

And it turning on recommitting,

Mr. Stanton demanded the yeas and nays; which being ordered, were, yeas 17, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Dewey, Ford, Foos, Godman, Harris, Henderson, Latham, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes and Waddle—17.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Wade, Walton, and Speaker—19.

So the Senate refused to recommit.

The question then occurring on inserting the following:

"That in all suits or actions now pending, or that shall hereafter be brought or prosecuted in any of the courts of this state, by any bank or banker, or under them in any way, for their use or benefit, in any

other name, or by any person or persons claiming as the assignee of such bank or banker, or by assignment or transfer in any way, under any such bank or banker, upon any note, bond, bill, or other contract, for the payment of money, made to or with such bank or banker, or that has been discounted or bought by such bank or banker, whether such bank or banker retains an interest in the same, or may have parted absolutely with the whole thereof, to such assignee, it shall be lawful for the defendant or defendants, in every such suit or action, to set off, on the trial of the same, against the plaintiff's claim in such suit or action, any notes, bills, checks, or other obligation of such bank or banker, issued and calculated for current circulation, and which such defendant or defendants may hold at the time of such trial, whether such notes, bills, checks, or other obligations, were in the defendant's possession at the commencement of the suits, or may have come into their possession any time thereafter, and before trial, and whether such notes, bills, checks, or other obligations, be, on their face, payable on demand, or after date, or payable at any other place than where the same issued; and the defendant or defendants shall be entitled to pay such claim or debt, upon which such suit or action may be brought, either before or after judgment, in such notes, bills, checks, or other obligations aforesaid, of such bank or banker; and the sheriff or other officer, upon any execution in his hands in favor of such bank or banker, or other person suing in trust for the use and benefit of such bank or banker, or the assignee of such bank or banker, as aforesaid, (whether such bank or banker still retains an interest in the same, or has parted with the same,) shall receive from the said defendant or defendants, the notes, bills, checks, or other obligations aforesaid, of such bank or banker, in discharge and payment of such execution; and such bank or banker, or other person suing in trust for the use of such bank or banker, or the assignee of such bank or banker, shall receive the said notes, bills, checks, or other obligations of such bank or banker, in payment of the said judgment from the said sheriff or other officer. And if such bank or banker, or other person suing in trust for the use of such bank or banker, or the assignee of such bank or banker, shall refuse to receive such notes, bills, checks, or other obligations, from the sheriff or other officer, the said sheriff or other officer, shall not be liable to any proceedings whatever, at the suit, or upon the complaint of such bank or banker, or the trustee or assignee of such bank or banker: *Provided*, That in all cases where the defendant or defendants, at the time of the commencement of suit against them, shall not have an amount of notes sufficient to balance the amount of the claim against such defendant or defendants, the plaintiff shall be entitled to full costs. And it is hereby declared that the true intent and meaning of the provision of the ninth section aforesaid, was, and is, to entitle every debtor of a bank or banker, to pay such debt in the notes, or other obligations of the bank or banker, issued and circulated for current circulation, as against the assignees of such bank or banker, and all other person or persons to whom the said debt shall or may be transferred or as-

signed, whether such bank or banker still retains an interest in the same, or has parted with all interest therein."

Mr. Nash demanded the yeas and nays; which being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Wade, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Latham, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes and Waddle—17.

So the amendment was agreed to.

The other Senate amendments were then severally considered and concurred in.

Mr. Bartley moved that the bill be laid upon the table;

And on his motion, demanded the yeas and nays; which being ordered, were, yeas 15, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foss, Godman, Henderson, Latham, Leonard, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—20.

So the Senate refused to lay the bill upon the table.

The question then occurring on ordering the bill to its third reading,

Mr. Root demanded the yeas and nays, which, being ordered, were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Latham, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

So the Senate refused to order the bill to its third reading.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 161, to incorporate the Bethany Regular Baptist Church of the county of Scioto, reported the same back without amendment, and the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes from the same committee, to which was recommitted House bill No. 70, to incorporate the First Presbyterian Church of Liberty township, in Delaware county, reported the same back without amendment, and the bill was ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted

Senate bill No. 154, to amend the act entitled, "an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject," passed March 1, 1834, and also an act amendatory thereto, passed March 19, 1840, reported the same back with sundry amendments, which were agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 158, to incorporate the First Methodist Episcopal Church of Fitchville, in Huron county, reported the same back without amendment, and the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted Senate bill No. 160, to incorporate the First Free Will Baptist Church of Marion township, Marion county, reported the same back without amendment, and the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 215, to authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county, reported the same back, asked to be discharged from the further consideration thereof, and that the bill be referred to the standing committee on Roads and Highways, which were agreed to.

Mr. Walton, from the standing committee on the Judiciary, reported the following bill, which was read the first time:

S. No. 171—A bill to provide for an extra session of the General Assembly.

Mr. Bartley, from the same committee, to which was recommitted Senate bill No. 153, to repeal the act entitled an act for incorporating a library society in the town of Granville, in the county of Fairfield, under the name and title of "Granville Alexandrian Society," reported the same back without amendment.

On motion of Mr. Taylor,

The bill was laid upon the table.

Mr. Sill, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, have examined and found duly enrolled the following acts and resolutions, to wit:

House No. 27—An act to incorporate the Trustees of Central College of Ohio;

House No. 84—An act to provide for the revaluation of section twenty nine in Union township, Butler county;

House No. 145—An act to amend the act entitled, "an act for the punishment of crimes," passed March 7, 1835;

House No. 149—An act to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes;

House No. 164—An act to authorize the commissioners of Henry county to borrow money;

Resolution in relation to the reception of Charles R. Kennedy into the Blind Asylum.

Mr. Latham, from the standing committee on the Currency, to which was recommitted Senate bill No. 76; to regulate banking in Ohio, together with House amendments thereto, reported the same back with the following recommendation in relation to the amendments of the House, to wit:

The standing committee on the Currency to which was recommitted the House amendments to Senate bill No. 76, to regulate banking in Ohio, have had the same under consideration, and now report, recommending—

That the 1st amendment be disagreed to; that the 2d amendment be agreed to; that the 3d amendment be disagreed to; that the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, and 18th amendments be agreed to; that the 19th amendment be disagreed to; that the 20th, 21st, 22d, 23d, 24th, and 25th amendments be agreed to; that the 26th and 27th amendments be disagreed to; that the 28th, 29th, and 30th amendments be agreed to; that the 31st amendment be disagreed to; and that the 32d and 33d amendments be agreed to.

The Senate concurred in the recommendation of the Currency committee.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 162, to amend an act to incorporate the Philozetian Society of the Western Reserve College, reported the same back with one amendment, which was agreed to, and the bill ordered to be engrossed for its third reading on to-morrow.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. No. 63; A bill for the relief of John Erb, Jacob Warner, and Mark W. Babb;

H. No. 248; A bill to incorporate the First Presbyterian Church in the town of Addison, Champaign county;

H. No. 227; A bill for the permanent location of the seat of justice for the county of Meigs;

S. No. 166; A bill making provision for the sale of lands and town lots for taxes, in Lucas county;

S. No. 167; A bill to repeal the charter of the Miami Exporting Company, and so much of the act to incorporate certain banks therein named, and to extend the charters of existing incorporated banks as revives said company;

S. No. 168; A bill to amend an act entitled, "an act to provide for the levying a tax on the capital of exchange brokers, and stock jobbers, &c.," passed March 21, 1840;

S. No. 169; A bill supplementary to the act entitled, "an act further to amend an act providing for the appointment of a board of

Bank Commissioners, and for the regulation of banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the state of Ohio," passed February, 1842;

The following bills were read the third time, and passed:

H. No. 193; An act to authorize the county commissioners of Williams county to levy an additional tax, for road purposes;

H. No. 106; An act to authorize the sale of section number sixteen in Tymochtee township, in the county of Crawford;

S. No. 163; An act to incorporate the Macedonian Christian Church of Harrison, in the county of Galia;

S. No. 141; An act to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838.

Mr. Clark moved to amend the eleventh section of Senate bill No. 141, by inserting, at the close thereof, the words, "which shall be paid out of the literary fund now on hand."

On agreeing to this amendment,

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 21, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Harris, Hostetter, Latham, Mitchell, Perkins, Ritchey, Robbins, Sill, Spangler, Thomas, Wade, Waddle and Speaker—21.

Nays—Messrs. Bartley, Goodin, Hazeltine, Henderson, Holmes, Leonard, McConnell, Nash, Ream, Root, Taylor, Van Vorhes, and Walton—13.

Mr. Walton moved that the bill be indefinitely postponed, and on his motion demanded the yeas and nays, which, being ordered, were, yeas 11, nays 25, as follows, to wit:

Yeas—Messrs. Bartley, Hazeltine, Henderson, Latham, Leonard, Perkins, Ream, Robbins, Thomas, Waddle, and Walton—11.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Holmes, Hostetter, Mitchell, McConnell, Nash, Ritchey, Root, Sill, Spangler, Stanton, Taylor, Van Vorhes, Wade, and Speaker—25.

So the Senate refused to postpone.

The question recurring on the passage of the bill,

Mr. Walton demanded the yeas and nays, which, being ordered, were; yeas 24, nays 12, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Holmes, Hostetter, Mitchell, McConnell, Nash, Ritchey, Root, Sill, Stanton, Taylor, Van Vorhes, Wade, and Speaker—24.

Nays—Messrs. Bartley, Hazeltine, Henderson, Latham, Leonard, Perkins, Ream, Robbins, Spangler, Thomas, Waddle, and Walton—12.

So the bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following bills of the House, to which the signature of the Speaker of the Senate is requested:

No. 20; To amend an act entitled, "an act to incorporate the town of New Lisbon, in the county of Columbiana."

No. 62; To amend an act entitled, "an act to incorporate the Hamilton and Rossville Hydraulic Company."

No. 105; To amend an act entitled, "an act for the inspection of certain articles therein enumerated."

No. 116; To authorize the levy of an additional tax, in school district number two, in Rome township, in the county of Ashtabula.

No. 121, To lay out and establish a graded state road in the counties of Harrison and Belmont.

No. 123; To incorporate the Woodland Cemetery Association of Dayton.

No. 124; To incorporate the Montgomery Turnpike Company.

No. 127; To incorporate the Anshi Chesmed Congregation of the city of Cleveland.

No. 139; To incorporate the German Methodist Episcopal Church of Marietta, in Washington county.

No. 140; To incorporate the First Regular Baptist Church of Green township, Richland county.

No. 151; To incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county.

No. 152; To alter a certain state road in Allen and Putnam counties.

No. 154; To incorporate the First Baptist Society of Strongsville, in the county of Cuyahoga.

No. 160; To incorporate the Myrtle tree Baptist Church of Lawrence county.

No. 161; To incorporate the Symm's Creek Baptist Church, in Lawrence county.

No. 166; To incorporate the Fifth Street Baptist Church of Cincinnati, Hamilton county.

No. 168; For the relief of Fitzland Jennings, of Scott township, Sandusky county.

No. 170; To incorporate the First Regular Church and Society of Henrietta, in Lorain county.

No. 174; To incorporate the Roman Catholic Church, in Vernoe township, Richland county, under the name and style of Jesus' Heart.

No. 173; To review and locate so much of the state road leading from Mount Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek and Glenn's Run.

No. 176; To incorporate the Second Presbyterian Church of Oxford, in the county of Butler.

No. 178; To incorporate the First Baptist Society of Huntingdon-Lorain county, Ohio.

No. 182; To incorporate the Regular Baptist Church of Jesus Christ, in the town of Windsor, Richland county.

No. 185; To incorporate the Regular Baptist Church of Bethel, in Madison township, Franklin county.

No. 181; To incorporate the Wardens, Vestrymen and associate members of the Parish of St. Paul's Church, of the town of Lower Sandusky.

No. 189; To provide for the renumbering the lots in the city of Dayton.

No. 190; To incorporate the First Regular Baptist Church of Neville, in Clermont county.

No. 191; For the relief of Robert Dunham, Abram Teeter, and William Roudebush, Fund Commissioners of Clermont county.

No. 198; To incorporate the Hook and Ladder Fire Company of Leesburg, in the county of Carroll.

No. 199; To incorporate the First Congregational Society of Geneva, Harpersfield, and Saybrook, in the county of Ashtabula.

No. 200; To incorporate the town of Lima, in the county of Allen.

No. 202; To incorporate the town of Benton, in Holmes county.

No. 203; To incorporate the town of Galion, in the county of Richland.

No. 207; To lay out and establish a graded state road in the counties of Holmes and Stark.

No. 270; To amend the act fixing the time of holding the courts of common pleas, for the year 1842.

The Speaker of the House has also signed the following bills of the Senate, to which the signature of the Speaker of the Senate is requested.

No. 40; To amend the act entitled, an act to establish a Court in Bank, and to regulate its practice, passed March 10, 1831.

No. 51; To confer the authority of changing the names of persons, towns, and villages, upon the court of common pleas.

No. 63; To amend the act entitled, an act to amend an act entitled, an act to incorporate the Stark county Mutual Insurance Company, passed March 27, 1841.

No. 65; To amend the act to provide for the election and resignation of justices of the peace, passed January 31, 1831.

No. 69; To incorporate the Newark St. John's German Evangelical Protestant Church, of Licking county.

No. 78; To incorporate the First Regular Baptist Church, in Berlin, Erie county; Ohio.

No. 82; To incorporate the Wardens and Vestry of Trinity Church, in Toledo, in the county of Lucas.

No. 81; To incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens.

No. 93; To incorporate the Trustees of the Wealey Chapel of the

Methodist Episcopal Church, at Chagrin Falls, in the county of Cuyahoga.

No. 94; To extend the provisions of the act entitled, "an act providing for the appointment of Commissioners of Sewers in certain counties in this state," passed March 26, A. D., 1841, to the counties of Logan and Miami.

No. 95; To incorporate the First Free Will Baptist Society, in the township of Liberty, in the county of Licking.

No. 99; To incorporate the First Regular Baptist Church of Twinsburg, Summit county.

No. 100; To incorporate the town of Albany, in the county of Athens.

No. 103; To incorporate the Kaal a Kadeah Beni Jeshurun (Holy Congregation of Children of Jeshurun) of the city of Cincinnati.

No. 107; To amend the act entitled, an act to incorporate the Protestant Methodist Academy, in the village of Brighton, in the county of Cuyahoga, passed March 17, 1840.

No. 113; To suspend the sixth section of the act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said section affects the township of Monroe, in the county of Logan.

No. 114; To amend the act entitled, an act granting licenses to pedlars.

The Speaker of the House has also signed the following resolution of the Senate, to which the signature of the Speaker of the Senate is requested:

In relation to compensating William Domigan for attendance, &c., on the Supreme Court in Bank.

Attest:

GEO. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills and resolution.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time and passed, in which the concurrence of the Senate is requested:

No. 217; To amend the act entitled, "an act to amend the act entitled, an act to provide for the inspection of salt," passed February 3, 1840.

No. 223; To incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit.

No. 228; To repeal a part of the thirty fifth section of an act entitled, "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls."

No. 230; To amend an act to provide for the safe keeping of idiots,

lunatics, or insane persons; the management of their affairs, and for other purposes, passed March 9, 1838.

No. 246; To amend the act fixing the times of holding the courts of common pleas; with one amendment by way of ryder.

No. 260; To lay out and establish a graded state road in the counties of Washington and Monroe.

No. 303; To amend the act entitled, "an act to incorporate the town of Addison, in the county of Champaign," passed March 11, 1836.

No. 274; To lay out and establish a graded state road in the counties of Monroe, Morgan, and Washington.

No. 296; To divorce Julia J. Spencer from her husband, Daniel Spencer.

The following bills of the Senate have been read a third time and passed, viz:

No. 91; To extend the time for the appraisal of school section sixteen, in Royalton township, Lucas county.

No. 105; To authorize the auditor of the county of Athens to transcribe certain records, and to make the same proper evidence.

No. 119; To incorporate the Pine Grove Academy, in the town of Porter, and the county of Gallia.

No. 121; To authorize the sale of the old meeting house belonging to the Methodist Episcopal Church, in the town of Eaton, Preble county, Ohio.

No. 135; To incorporate the Orwell Library and Reading Society of the township of Orwell, Ashtabula county.

No. 84; To provide for the election of Directors of the Poor.

No. 72; To incorporate the town of Jamestown, in the county of Greene.

No. 117; To incorporate the town of Dover, in the county of Tuscarawas.

No. 136; To regulate tolls on the several turnpikes in this state.

The House has also passed the following resolutions of the Senate, viz:

Resolution in relation to joint committee on enrolment.

Resolution appointing director for Ohio Lunatic Asylum.

The House has also agreed to Senate amendment to House bill No. 142.

Attest:

GID. M. AYRES, *Clerk*.

The bills of the House were read the first time.

Mr. Henderson gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to enable the sheriff of Muskingum county to make return of executions, until the second Monday of the next term of the court of common pleas held in said county.

On motion of Mr. Taylor,

The Senate took up Senate bill No. 153, to repeal the act entitled, "an act for incorporating a library society in the town of Granville,

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in the county of Fairfield, under the name and title of Granville Alexandrian Society."

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Taylor moved a call of the Senate, which, being ordered, Messrs. Bartley, Carpenter, Dewey, Henderson, Latham, and Walton, were found absent.

On motion of Mr. Taylor,

Further proceedings under the call were dispensed with.

The question recurring on ordering Senate bill 153, to be engrossed for its third reading,

Mr. Nash demanded the yeas and nays; which being ordered, were—yeas 18, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Crowell, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

So the bill was ordered to be engrossed for its third reading on tomorrow.

The Speaker presented a communication from the Governor, announcing a vacancy in the office of Associate Judge of Richland county, occasioned by the death of Jesse Edgington, Esq., late a Judge of said county.

On motion of Mr. Bartley,

The communication was laid upon the table.

On motion of Mr. Bartley,

The Senate took up House bill No. 56, to punish crimes therein named, and prevention of a fraudulent currency.

The question then occurring on agreeing to Senate amendments to House bill No. 56,

On agreeing to the following amendment, to wit:

"Sec. 2. That if any person engaged in, or carrying on, the business of a broker or exchanger of money, or any other person whose usual business is to loan or deal in money or currency, shall, directly or indirectly, pay, give, or offer in payment, or, in any wise put in circulation any instrument or evidence of indebtedness defined in the first section of this act, or give credit and currency to any such instrument or evidence of indebtedness, by indorsement, guarantee, or in any other manner holding himself, or themselves, out as responsible for the redemption or payment of the same, the person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, by indictment in the court of common pleas, shall be imprisoned in the penitentiary, and kept at hard labor not more than three years, nor less than one year;"

Mr. Nash demanded the yeas and nays; which being ordered, were—yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream,

Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the amendment was agreed to.

The question next occurring on agreeing to the following division of the amendment, to wit:

"Sec. 3. That if any person acting as president, cashier, director, or other officer or agent of any bank of this state, or any other person engaged in, or in any way assisting in carrying on the business of banking or exchanging of money, shall issue or put in circulation in any manner, or procure to be issued or put in circulation in any manner, any note, bill, or other instrument, designed and calculated to circulate as a currency, and issued, or given by any bank or other corporation out of this state, known to be in the habit of refusing the payment in specie of its notes, bills, or other obligations in circulation, the person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, by indictment in the court of common pleas, shall be imprisoned in the penitentiary, and kept at hard labor not more than three years, nor less than one year;"

Mr. Nash demanded the yeas and nays; which being ordered, were—yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

So the amendment was disagreed to.

Mr. Latham moved to amend the bill in section 9, line 2, by striking out the words "first day of April," and inserting, in lieu thereof, the following: "fourth day of March;" which was agreed to.

Mr. Bartley offered for adoption the following amendment, to come in as a fourth section, to wit:

"That if any person, being the president, cashier, director, teller, clerk, or other officer of any banking institution of this state, shall purposely, knowingly and corruptly, put in circulation, or aid or assist in putting in circulation, any of the bills, notes, bonds, checks, or other evidence of debt issued by such banking institution, and calculated and designed to pass as money or currency, knowing that the banking institution that issued the same is insolvent, or is about to fail, with intent to defraud or injure any person or persons, body or bodies corporate or politic, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than twenty years, nor less than one year."

On agreeing to this amendment,

Mr. Goodin demanded the yeas and nays; which being ordered, were—yeas 36, nays none, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—36.
Nays—0.

So the amendment was agreed to.

The question then recurring on ordering the bill to its third reading,

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the bill was ordered to its third reading on to-morrow.

On motion of Mr. Clark,

The Senate took up Senate bill No. 115, for the relief of contractors on the Wabash and Erie Canal, on the Miami Canal Extension, and for the completion of the same.

Mr. Hazeltine moved to amend the bill in section 3, lines 1 and 2, by striking out from the word "no" to the word "nor," and insert "bond of a less denomination than one hundred dollars, shall be executed under the provisions of this act."

On agreeing to this amendment,

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 16, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Ford, Goodin, Harris, Hazeltine, Holmes, Latham, Mitchell, Ream, Root, Taylor, Wade, Waddle, Walton and Speaker—16.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Foos, Godman, Henderson, Hostetter, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas and Van Vorhes—20.

So the amendment was disagreed to.

The question then recurring on ordering the bill to be engrossed for its third reading,

The yeas and nays were demanded; which being ordered, were—yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Dewey, Godman, Goodin, Harris, Henderson, McConnell, Nash, Perkins, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas and Van Vorhes—18.

Nays—Messrs. Aten, Bartley, Crowell, Ford, Foos, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Root, Taylor, Wade, Waddle, Walton and Speaker—18.

So the Senate refused to order the bill to be engrossed for its third reading.

On motion of Mr. Crowell,

The Senate took up House bill No. 11, to establish permanently the seat of justice for Summit county.

The question occurring on agreeing to the following amendment to the bill offered by Mr. Spangler, to wit:

Strike out all after the enacting clause, and insert:

"That the qualified electors of Summit county shall be authorized to express their preference for either Akron or Cuyahoga Falls, as the seat of justice for said county, by placing on their tickets, at the township elections to be held on the first Monday of April next, the words 'seat of justice at Akron,' or, 'seat of justice at Cuyahoga Falls,' as their choice may be. And it shall be the duty of the trustees or judges of the election in the several townships in said county to make return of said votes in regard to the seat of justice, within three days thereafter, to the clerk of the court of common pleas of said county, whose duty it shall be to canvass said votes in the same manner that, by law, he is required to canvass votes for state and county officers.

Sec. 2. If either one of said towns shall receive a majority of all the votes given, the same shall be thenceforward the permanent seat of justice for said county of Summit. But if neither shall receive such majority, then, and in that case, the subject shall remain open for the future action of the General Assembly.

Sec. 3. It shall be the duty of said clerk to return to the court of common pleas of said county, next to be held after the said election, an abstract of said votes, duly certified, that the same may be entered upon the journal of said court.

Sec. 4. The seat of justice for said county of Summit is hereby declared to be at Akron, in said county, until the same shall be permanently established by said vote of the people, or otherwise fixed by law.

Sec. 5. Nothing herein contained shall be so construed as to release, or in any way discharge any subscription of land, money or materials heretofore made, for the purpose of erecting a court house and jail at the place that may be selected by the people as the permanent seat of justice for said county.

Sec. 6. The electors of Summit county shall be notified of the passage of this act by publication of the same in some newspaper printed in said county, at least two weeks previous to said election.

Mr. Thomas moved to strike out the fourth section of the amendment; on which motion,

Mr. Taylor demanded the yeas and nays; which being ordered, were—yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Dewey, Foos, Godman, Harris, Henderson, Hostetter, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Ford, Goodin, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—17.

So the fourth section of the amendment was stricken out.

The question then occurring on the amendment as amended, the yeas and nays were demanded, and being ordered, were—yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Clark, Crowell, Ford, Godman, Goodin, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Thomas, Wade, Walton and Speaker—19.

Nays—Messrs. Barnett, Bartley, Carpenter, Dewey, Foos, Harris, Henderson, Hostetter, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes and Waddle—17.

So the amendment, as amended, was agreed to.

The question next occurring on ordering the bill to its third reading,

The yeas and nays were demanded, and, being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Clark, Crowell, Ford, Godman, Goodin, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Thomas, Wade, Walton and Speaker—19.

Nays—Messrs. Barnett, Bartley, Carpenter, Dewey, Foos, Harris, Henderson, Hostetter, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes and Waddle—17.

So the bill was

Ordered to its third reading on to-morrow.

On motion of Mr. Ford,

The Senate took up the report of the standing committee on Railroads and Turnpikes, in relation to the Goshen, Wilmington and Columbus Turnpike Company.

The question occurring on agreeing to the resolutions reported by said committee,

The resolutions were adopted, and are as follows, to wit:

Resolved, by the General Assembly of the State of Ohio, That the Auditor of State be directed, by himself or agent, to make another examination of the books, papers and affairs of said Goshen, Wilmington and Columbus Turnpike Company; and that he ascertain, as nearly as possible, the following particulars:

First: Whether said road is constructed according to the plan submitted to, and approved by the Board of Public Works, and the law regulating turnpikes; and, if not, then in what it varies from said plan and law?

Second: Whether any partiality has been shown to directors or officers of said company in the letting of contracts; and, if so, in what particulars and to what amount?

Third: Whether stock has been subscribed to said company on condition of contracts being let to the subscribers, and to what amount;

and whether the contracts were let higher in consequence thereof and to what amount?

Fourth: Whether individual notes have been taken in payment of stock, or whether stock has been paid, or pretended to be paid, in any other way than in money, and reported to the Auditor as paid agreeably to law; and, if so, how much?

Fifth: That he examine as to every and any other matters which he may deem necessary to the full understanding of the affairs of said company.

Resolved, That the Auditor be directed to issue no more warrants to said company, under the law, until further directed by the General Assembly.

On motion of Mr. Perkins,

The Senate took up the report of the Judiciary committee, in relation to House bill No. 162, to divorce Esther A. Crain from her husband Andrew L. Crain.

The question occurring on agreeing to the recommendation of the committee that the bill be indefinitely postponed,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 10, nays 25, as follows, to wit:

Yeas—Messrs. Bartley, Carpenter, Ford, Harria, Hazeltine, Nash, Root, Spangler, Thomas and Walton—10.

Nays—Messrs. Aten, Clark, Crowell, Dewey, Foos, Godman, Goodin, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Van Vorhes, Wade, Waddle and Speaker—25.

So the Senate refused to indefinitely postpone.

The question then recurring on ordering the bill to its third reading,

Mr. Spangler demanded the yeas and nays, which, being ordered, were, yeas 25, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Crowell, Dewey, Foos, Godman, Goodin, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Van Vorhes and Wade—25.

Nays—Messrs. Bartley, Carpenter, Ford, Harris, Nash, Root, Spangler, Thomas, Waddle, Walton and Speaker—11.

So the bill was

Ordered to its third reading on to-morrow.

On motion of Mr. Taylor,

The Senate took up Senate bill No. 159, to divorce Hannah J. Herrick from her husband George W. Herrick.

The question occurring on ordering the bill to be engrossed for its third reading,

Mr. Nash demanded the yeas and nays, which, being ordered, were, yeas 26, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Crowell, Dewey, Foos, God-

man, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, Van Vorhes and Wade—26.

Nays—Messrs. Barnett, Carpenter, Ford, Nash, Root, Stanton, Thomas, Waddle and Speaker—9.

So the bill was

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Bartley,

The Senate reconsidered its vote on ordering to its third reading House bill No. 21, to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824.

On motion of Mr. Bartley,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Aten,

The Senate took up Senate bill No. 54, further to amend the act entitled an act to incorporate the town of Salem, in the county of Columbia.

The bill was then

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Bartley,

The Senate reconsidered its vote on ordering to its engrossment Senate bill No. 123, further to amend the act entitled an act regulating judgments and executions.

On motion of Mr. Bartley,

The bill was recommitted to the standing committee on the Judiciary.

On motion of Mr. Van Vorhes,

The Senate took up Senate bill No. 108, to divorce Ralph Bingham from his wife Esther Bingham.

On motion of Mr. Van Vorhes,

The bill was postponed until the first Monday in December next.

Mr. Thomas moved that the Senate take up Senate bill No. 31, to repeal so much of each and every act of the General Assembly, as empowers any incorporated city, town, village, or borough, within the state, to license groceries or coffee houses, or in any manner to confer the power to retail spirituous or intoxicating drinks.

On agreeing to take up the bill,

Mr. Goodin demanded the yeas and nays, and, being ordered, they were, yeas 30, nays 5, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, McConnell, Nash, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—30.

Nays—Messrs. Aten, Goodin, Mitchell, Ream and Taylor—5.

So the Senate agreed to take up the bill.

The question occurring on the indefinite postponement of the bill,
The yeas and nays were demanded, and, being ordered, were, yeas
13, nays 22, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Holmes, Leonard, Mitchell,
Ream, Ritchey, Spangler, Taylor, Waddle, Walton and Speaker—13.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford,
Foos, Godman, Harris, Henderson, Hostetter, Latham, McConnell,
Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes and
Wade—22.

So the Senate refused to indefinitely postpone.

The question next occurring on ordering the bill to be engrossed
for its third reading,

The yeas and nays were demanded, and, being ordered, were, yeas
20, nays 15, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford,
Foos, Godman, Harris, Henderson, Hostetter, McConnell, Nash, Per-
kins, Robbins, Root, Stanton, Thomas, Van Vorhes and Wade—20.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Latham,
Leonard, Mitchell, Ream, Ritchey, Spangler, Taylor, Waddle, Walton
and Speaker—15.

So the bill was

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Bartley,

The Senate took up Senate bill No. 146, to repeal the act entitled
“an act to incorporate the Oberlin Collegiate Institute,” passed Feb-
ruary 2, 1834.

On motion of Mr. Stanton,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clark*.

TUESDAY, MARCH 1, 1842.

The Senate met pursuant to adjournment.

Mr. Crowell presented a petition from Benjamin Hawley and oth-
ers, citizens of Columbiana county, praying the passage of a law
taxing dogs in wool growing counties; which was referred to the
standing committee on Agriculture, Commerce, and Manufactures.

Mr. Spangler presented the claims of Messrs. Whiting, Walton,
Derby, and McCune, for articles furnished the Senate; which was
referred to the standing committee on Claims.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill (House No. 265,) to incorporate the Lafayette University, at New Carlisle, Clark county, reported the same back without amendment, and recommended its third reading; which was agreed to.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted the bill (House No. 93,) to vacate a certain state road in Delaware county, reported the same back without amendment.

On motion,

The bill was indefinitely postponed.

Mr. Hazeltine, from the standing committee on Agriculture, Commerce, and Manufactures, to which the petitions on that subject had been referred, made the following report, which was laid on the table:

The standing committee on Agriculture, Manufactures, and Commerce, to which was referred the fourth annual report of the Columbiana county Agricultural Society, and, also, the annual report of the Clark county Agricultural Society, have had these two documents under consideration, and now report:

That the report of the Columbiana county Agricultural Society does not furnish any statistics as to the staple, or other products of said county; but the following, as to British Agricultural and Manufacturing statistics, as contained in said report, may not be entirely void of interest, but may, on the other hand, be of use, by way of comparison:

"By a communication, addressed by James McQueen to Lord Melbourne, on the subject of the corn laws, we learn, that the estimated amount of capital vested in agriculture, in the United Kingdom of Great Britain, is £3,258,910,810

Its total annual products amount to 538,536,201

Total amount vested in manufactures 217,773,872

Annual products of same 259,412,702

Fifteen to one, in capital, in favor of agriculture."

The following, in relation to the commerce of Great Britain, we extract from the same report:

"Her commerce is given by the same author, (Lord Melbourn,) as follows:

Total exports for 1838, amounted—

To foreign countries, - - - - - £37,833,000

To her colonies, - - - - - 15,532,566

Total, - - - - - 53,365,566

"It appears, from the preceding data, that the capital invested in British agriculture is fifteen times as great as that invested in

British manufactures, although the latter exceed, in magnitude, the manufactures of any other nation; that British agriculture pays most of the burdens of the government, supports a privileged clergy, (and, your committee would add, a privileged aristocracy,) and contributes more than thirty millions of dollars, annually, to her poor rates; that her products exceed, in value, more than *fourteen times* the whole amount of her exports to foreign countries, although her commerce exceeds that of any other nation; and that her agricultural capital is as fixed and abiding as her islands, while the capital vested in her commerce and manufactures is subject to many contingencies, which may impair or destroy it. By an application of these facts to our own country, the contrast will be still more striking. The capital employed in agriculture, in this country, and its products, will overbalance the capital and products of manufactures and commerce in a much greater degree than in Great Britain; and while this will be found true, in the whole country, it will be found true to a still greater extent, in the State of Ohio, whose *great business* is, emphatically, agricultural."

The report suggests some amendments to the law establishing agricultural societies. In relation to that matter, your committee deem it unnecessary to recommend any alteration or change in the present law at this time. The great agricultural interest of our country, and those engaged in that highly profitable and honorable pursuit, need only the protection of such equitable and just laws as will secure to them the undisturbed enjoyment of the honest proceeds of their own industry. Heretofore, (as all can testify,) our laws have been lamentably deficient in this respect. The artful and cunningly devised schemes of the crafty speculator have proved but too successful in robbing honest industry of a portion of its merited reward; but it is to be hoped that the experience of the past, as well as the present, will enable us, in future, to shun the rock upon which the prosperity of the people has been more than once shipwrecked, during the short period of our existence as a State.

From the report of the Clark county Agricultural Society, we extract the following statistical estimate, as to the staple products of that county for the past year.

Wheat,	100,000	bushels,	worth	per bushel	90	cts.
Corn,	300,000	"	"	"	18	"
Rye,	20,000	"	"	"	32	"
Oats,	200,000	"	"	"	17	"
Barley,	3,000	"	"	"	30	"
Buckwheat,	10,000	"	"	"	38	"
Potatoes,	25,000	"	"	"	20	"

Cattle,	12,000 head,	worth \$7,00 a head.
Horses,	12,000 " "	40,00 "
Mules,	300 " "	15,00 "
Sheep,	3,000 " "	1,25 "
Wool,	10,000 pounds,	at 30 cts. per pound.

The above products, in the aggregate, will be found to amount to \$769,350, as the annual product of one county only, which is but little more than an average county, say about one seventieth part of the whole state, there being seventy nine counties in all; which estimate would give, as the annual product of the entire state in value, \$53,854,500.

It will be seen, by the above, that there are many highly valuable and profitable productions of our soil not included, which, if estimated, would swell the amount to a much larger sum. With such inexhaustible resources of internal wealth, and these as yet but imperfectly developed, aided by the facilities afforded for transportation, throughout the various sections of the country, by means of our extensive system of internal improvements, as well as the unceasing efforts of a population comprising one and a half millions of inhabitants, who, for industry, enterprize, and perseverance, are seldom equalled, and never excelled. Who, we ask, can doubt for one moment, that the cloud that now hangs over the financial prospects of Ohio, will soon give way to the bright sunshine of better days, that shall cheer the hearts of all with contentment, happiness, and wealth?

Your committee would ask that the Senate discharge them from the further consideration of the subject.

Mr. Holmes from the standing committee on Corporations, to which was recommitted the bill (Senate No. 157,) to repeal the act incorporating the town of Medina, and the acts amendatory thereto, reported the same back without amendment.

On motion,

The bill was postponed until the first Monday in December next.

Mr. McConnell, from the standing committee on Canals, to which was referred the petition and papers of Hiram R. Deming, reported the same back, and recommended the postponement of the same until the first Monday of December next; which was agreed to.

Mr. McConnell, from the standing committee on Canals, to which was referred a resolution in relation to the construction of a reservoir of the Miami canal, at Lewistown, on the Indian lake, in Logan county, reported the same back, and recommended its postponement until the first Monday in December next; which was agreed to.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. No. 217; A bill to amend the act entitled, "an act to amend the

act entitled an act to provide for the inspection of salt," passed February 3, 1840;

H. No. 223; A bill to incorporate the Tallmadge Academical Institute of Tallmadge, in the county of Summit;

H. No. 228; A bill to repeal a part of the thirty fifth section of an act entitled an act to provide for the protection of canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls;

H. No. 230; A bill to amend "an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes, passed March 9, 1838.

The following bills were read the second time,

H. No. 246; A bill to amend the act fixing the times of holding the courts of common pleas.

The constitutional rule being dispensed with, this bill was read the third time, and then recommitted to a select committee of one, and Mr. Thomas appointed said committee.

H. No. 260; A bill to lay out and establish a graded state road in the counties of Washington and Monroe.

Recommitted to a select committee of two, and Messrs. Walton and McConnell appointed that committee.

H. No. 274; A bill to lay out and establish a graded state road in the counties of Monroe, Morgan, and Washington.

Recommitted to a select committee of two, and Messrs. Walton and McConnell appointed that committee.

H. No. 296; A bill to divorce Julia J. Spencer from her husband, Daniel Spencer.

Recommitted to the standing committee on the Judiciary.

H. No. 303; A bill to amend the act entitled an act to incorporate the town of Addison, in the county of Champaign, passed March 11, 1836.

Recommitted to the standing committee on Corporations.

S. No. 170; A bill further to amend the act entitled an act to abolish the Board of Canal Commissioners, and to revive the Board of Public Works.

Recommitted to the standing committee on Finance.

S. No. 171; A bill to provide for an extra session of the General Assembly.

Recommitted to the standing committee on Finance.

The following bills were read the third time and passed:

S. No. 159; An act to divorce Hannah J. Herrick from her husband, George W. Herrick;

S. No. 162; An act to amend an act to incorporate the Philozetian Society of the Western Reserve College;

S. No. 160; An act to incorporate the First Free Will Baptist Church of Marion township, Marion county;

S. No. 161; An act to incorporate the Bethany Regular Baptist Church of the county of Scioto;

S. No. 158; An act to incorporate the First Methodist Episcopal Church of Fitchville, in Huron county;

S. No. 155; An act to lay out and establish a graded state road in the counties of Meigs and Athens;

S. No. 54; An act further to amend the act entitled an act to incorporate the town of Salem, in the county of Columbiana;

S. No. 154; An act to amend an act entitled an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and also an act amendatory thereto, passed March 19, 1840;

S. No. 153; An act to repeal the act entitled an act for incorporating a library society in the town of Granville, in the county of Fairfield, under the name and title of Granville Alexandrian Society;

On the passage of this bill,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—14.

So the bill was passed.

S. No. 31; An act to repeal so much of each and every act of the General Assembly as empowers any incorporated city, town, village, or borough within the state to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drinks.

On the passage of this bill,

Mr. Holmes demanded the yeas and nays, which, being ordered, were, yeas 19, nays 14, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Harris, Hostetter, McConnell, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, and Wade—19.

Nays—Messrs. Aten, Clark, Goodin, Hazeltine, Holmes, Leonard, Mitchell, Ream, Ritchey, Spangler, Taylor, Waddle, Walton and Speaker—14.

So the bill was passed.

H. No. 162; An act to divorce Esther A. Creain from her husband, Andrew L. Creain;

H. No. 70; An act to incorporate the First Presbyterian Church of Liberty township, in Delaware county;

H. No. 56; An act to punish certain crimes therein named, and for the prevention of a fraudulent currency.

The following bill was read the third time, and, on motion, laid on the table:

H. No. 11; An act to establish permanently the seat of justice for Summit county.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the report of the committee of Conference between the two houses, upon the subject of the difference upon the resolution in relation to the claim of G. Nelson Cumming.

Attest:

GID. M. AYRES, *Clerk.*

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill of the House, to which the concurrence of the Senate is requested:

House bill No. 259—Making appropriations for the year 1842.

Attest:

GID. M. AYRES, *Clerk.*

The bill of the House was read the first time.

Mr. Spangler from the standing committee on Finance, to which was recommitted Senate bill No. 176, further to amend the act entitled, "an act to abolish the Board of Canal Commissioners, and revive the Board of Public Works," passed March 5, 1839, reported the same back without amendment, and recommended that the bill be engrossed for its third reading on to-morrow.

The question occurring on ordering the bill to its engrossment,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 17, nays 19; as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Leonard, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—19.

So the Senate refused to order the bill to its engrossment.

On motion of Mr. Sill,

The Senate took up House bill No. 11, to establish permanently the seat of justice for Summit county.

The question occurring on the passage of the bill,

Mr. Goodin moved a call of the Senate, which, being ordered, Mr. Thomas was found absent.

On motion of Mr. Hazeltine,

Further proceedings under the call were dispensed with.

Mr. Sill moved that the bill be recommitted to a select committee of one, with the following instructions:

Amend the bill by striking out all after the enacting clause, and inserting the following:

"That Robert Rogers, of Clark county, John McClanehan, of Brown county, George H. Busby, of Marion county, be and they are hereby appointed commissioners to review and locate the seat of justice of

Summit county; and said commissioners shall, in the discharge of their duty, be governed, in all respects, by the act establishing seats of justice, passed February 3, 1824: *Provided*, That said commissioners shall make the report of their proceedings, under this act, to the supreme court, next to be held in said county: *And provided further*, That the said commissioners shall not relocate said seat of justice, unless sufficient guaranties are given to said commissioners, that the court house and jail of said county shall be erected, at the place selected by said commissioners, free of expense to the county."

Mr. Spangler called for a division of the question, and it turning on recommitting,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Dewey, Foos, Godman, Harris, Henderson, Hostetter, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes, Wade and Waddle—18.

Nays—Messrs. Aten, Bartley, Clark, Crowell, Ford, Goodin, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Thomas, Walton and Speaker—18.

So the Senate refused to recommit.

The question then recurring on the passage of the bill,

The yeas and nays were demanded, and being ordered, were, yeas 20, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Crowell, Ford, Godman, Goodin, Hazeltine, Holmes, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Thomas, Wade, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Dewey, Foos, Harris, Henderson, Hostetter, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Van Vorhes and Waddle—16.

So the bill passed.

Mr. Thomas, from the select committee to which was recommitted the bill, House, No. 246, reported the same back with sundry amendments.

The first amendment was agreed to.

The question occurring on agreeing to the second amendment, which reads as follows:

"The second term of the court of common pleas in the county of Jefferson, shall be holden on the first day of August; the second term of said court for the county of Harrison, shall be holden on the 15th day of August."

Mr. Dewey demanded the yeas and nays; which being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Ford, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the second amendment was disagreed to.

The question then occurring on the passage of the bill,

The yeas and nays were demanded, and being ordered, were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Crowell, Dewey, Ford, Foos, Hazeltine, Henderson, Holmes, McConnell, Perkins, Ritchey, Robbins, Sill, Thomas, Van Vorhes, Walton and Speaker—18.

Nays—Messrs. Aten, Bartley, Carpenter, Godman, Goodin, Harris, Hostetter, Latham, Leonard, Mitchell, Nash, Ream, Root, Spangler, Stanton, Taylor, Wade and Waddle—18.

So the bill failed.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Dewey in the chair, on the orders of the day, and after the consideration thereof, the committee rose, and reported back the following bill, with sundry amendments:

S. No. 152. A bill to provide for paying the temporary liabilities of the state, the interest on the state debt, and for other purposes.

On motion of Mr. Spangler,

The bill and pending amendments were recommitted to the standing committee on Finance.

Mr. Henderson, agreeably to previous notice, introduced the following bill; which was read the first time.

S. No. 172. A bill allowing the sheriff of Muskingum county additional time to return process.

On motion of Mr. Henderson,

The constitutional rule was dispensed with, and the bill was read the second time, and,

Ordered to be engrossed for its third reading and final passage this day.

Mr. Leonard moved that the Senate reconsider its vote on ordering to its engrossment, Senate bill, No. 170, further to amend the act entitled, "an act to abolish the Board of Canal Commissioners, and revive the Board of Public Works," passed March 5, 1839; on which motion,

Mr. Nash demanded the yeas and nays; which being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos,
33—S. J.

Godman, Henderson, Nash, Perkins, Root, Still, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

So the Senate refused to reconsider.

On motion of Mr. Crowell,

The Senate again resolved itself into committee of the whole, Mr. Godman in the chair, on the orders of the day, and after the consideration thereof, reported back the following bills, without amendment.

H. No. 213. A bill to amend an act to establish the Miami University, and appointing trustees for the same.

Recommitted to a select committee of one, and Mr. Hazeltine appointed said committee.

S. No. 164. A bill to incorporate the Union Society of the Oberlin Collegiate Institute.

Recommitted to the standing committee on Corporations.

S. No. 165. A bill to incorporate the First Regular Baptist Church and Society in Camden, Lorain county.

Recommitted to the standing committee on Corporations.

S. No. 167. A bill to repeal the charter of the Miami Exporting Company, and so much of the act to incorporate certain banks therein named, and to extend the charters of existing incorporated banks, as revives said company.

Recommitted to the standing committee on the Judiciary.

S. No. 168. A bill to amend an act entitled, "an act to provide for the levying a tax on the capital of exchange brokers and stock jobbers," &c., passed March 21, 1840.

Recommitted to the standing committee on Finance.

S. No. 169. A bill supplementary to the act entitled, "an act further to amend an act providing for the appointment of the Board of Bank Commissioners, and for the regulation of banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the state of Ohio," passed February 18, 1842.

Ordered to be engrossed for its third reading.

H. No. 214. An act to repeal an act entitled, "an act to incorporate a company to construct a turnpike road from Columbus to Sandusky city," passed January 31, 1826.

Recommitted to the standing committee on the Judiciary.

H. No. 177. A bill to amend an act entitled, "an act to incorporate the town of Lebanon, in the county of Warren."

Recommitted to the standing committee on Corporations.

H. No. 240. A bill to repeal the act incorporating the President and Directors of the Urbana Banking Company, and to close its affairs.

Mr. Stanton moved that House bill, No. 240, be indefinitely postponed.

On which motion he demanded the yeas and nays, and being ordered, they were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos,

Godman, Harris, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—19.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—17.

So the bill was indefinitely postponed.

Mr. Goodin offered for adoption a resolution, providing for the election of certain officers, which, after being amended, was,

On motion of Mr. Spangler,

Referred to a select committee of two, and Messrs. Spangler and Goodin were appointed said committee.

Mr. Stanton moved that the committee be instructed to strike from the resolution the words, "one associate judge for the county of Logan."

Mr. Taylor moved a call of the Senate; which being ordered, Messrs. Clark, Crowell and Walton, were found absent.

On motion of Mr. Taylor,

Further proceedings under the call were dispensed with.

The question occurring on agreeing to the instructions offered by Mr. Stanton,

Mr. Hazeltine demanded the yeas and nays; which being ordered, were, yeas 15, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Dewey, Ford, Foos, Godman, Nash, Perkins, Root, Sill, Stanton; Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the instructions were disagreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill, No. 21, to amend the act entitled, "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 23, 1824, reported the same back with sundry amendments; which were agreed to.

The question occurring on ordering the bill to its third reading,

Mr. Wade demanded the yeas and nays; which being ordered, they were, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the bill was ordered to its third reading on to-morrow.

The following bill was read the third time and passed, to wit:
S. No. 172. An act allowing the sheriff of Muskingum county additional time to return process.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Nash,

The Senate reconsidered its vote on ordering to its engrossment H. bill No. 246, to amend the act fixing the times of holding the courts of common pleas, and the bill was

Recommitted to a select committee of one, and Mr. Thomas appointed that committee.

On motion of Mr. Carpenter,

The Senate took up H. bill No. 5, to incorporate the First Free Will, Baptist Society of Brunswick, Medina county, and the bill was
Recommitted to the standing committee on Corporations.

On motion of Mr. Nash,

The Senate reconsidered its vote on ordering to its engrossment S. bill No. 115, for the relief of contractors on the Wabash and Erie canal, on the Miami Extension, and for the completion of the same; and the bill was

Recommitted to the standing committee on Finance.

On motion of Mr. Spangler,

The Senate resolved itself into committee of the whole, Mr. Thomas in the chair, upon the orders of the day, and after the consideration thereof, the committee rose and reported back the following bills:

H. No. 188—A bill to incorporate the Hanover and Wellsville Railroad Company;

Recommitted to the standing committee on Railroads and Turnpikes.

H. No. 187—A bill to incorporate the Phoenix Fire Company, in Canton, Stark county;

Recommitted to the standing committee on Corporations.

S. No. 35—A bill to amend an act entitled, "an act to establish a fund for the support of common schools;" and, also, to amend the act entitled, "an act for the support and better regulation of common schools, and to create permanently the office of superintendent;" and an act amendatory thereto;

Recommitted to the standing committee on the Judiciary.

H. No. 181—A bill to incorporate the Ohio Conference High School;

Recommitted to the standing committee on Corporations.

H. No. 177—A bill to amend the act entitled, "an act to regulate the admission and practice of attorneys and counsellors at law;"

Recommitted to the standing committee on the Judiciary.

H. No. 175—A bill to provide for the execution and record of contracts, for the sale and mortgage of personal property unaccompanied with possession;

Recommitted to the standing committee on the Judiciary.

H. No. 226—A bill to repeal the charter of the Farmers' and Mechanics' Bank of Cincinnati;

Recommitted to the standing committee on the Currency.

H. No. 170—A bill to confirm and legalize the judicial and ministerial acts of Wales B. Bonney, a Justice of the Peace, of Oxford township, in the county of Butler, Ohio.

Recommitted to the standing committee on the Judiciary.

H. No. 147—A bill to amend the act entitled, "an act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837.

Recommitted to the standing committee on Roads and Highways.

H. No. 131—A bill making special provision for the sale of section twenty nine, in Sycamore township, in the county of Hamilton;

Recommitted to the standing committee on Corporations.

H. No. 126—A bill to incorporate the town of Jackson, in the county of Jackson;

Recommitted to the standing committee on Corporations.

H. No. 92—A bill making special provisions for the sale or revaluation of section twenty nine, in Mill Creek township, Hamilton county;

Recommitted to the standing committee on Corporations.

H. No. 86—A bill to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company;

Recommitted to the standing committee on Railroads and Turnpikes.

H. No. 280—A bill to repeal the charter of the Ohio Insurance Company;

Recommitted to the standing committee on Corporations.

H. No. 245—A bill to settle the claims of Edmund Lytle and George D. Leckey;

Recommitted to the standing committee on Canals.

H. No. 281—A bill to repeal the charter of the Farmers' Mechanics' and Manufacturers' Bank of Chillicothe;

Recommitted to the standing committee on the Currency;

H. No. 289—A bill to repeal the charter of the Bank of New Lisbon;

Recommitted to the standing committee on the Judiciary.

H. No. 157—A bill to lay out and establish a graded State road in the counties of Muskingum and Coshocton;

Recommitted to the standing committee on Roads and Highways.

H. No. 238—A bill to lay out and establish a graded State road in the counties of Wayne, Holmes and Stark;

Recommitted to the standing committee on Roads and Highways.

H. No. 135—A bill to incorporate religious societies under a general law, on certain conditions;

Recommitted to the standing committee on the Judiciary;

H. No. 211—A bill to vacate Vinton street, in the town of Miamiburg, county of Montgomery;

Recommitted to the standing committee on Corporations.

H. No. 234—A bill further to amend the act entitled, "an act to incorporate the City of Ohio;

Recommitted to the standing committee on Corporations.

H. No. 225—A bill to amend the act entitled, "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841;

Recommitted to the standing committee on Schools and School Lands.

H. No. 256—A bill to extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes;

Recommitted to the standing committee on Corporations.

H. No. 247—A bill for the relief Susannah McGrow;

Recommitted to the standing committee on the Judiciary.

H. No. 232—A bill to authorize the governor to make a deed of certain land to Nicholas Herron;

Recommitted to the standing committee on Public Lands.

H. No. 163—A bill for the relief of John Erbe, Jacob Warner and Mark W. Babb;

Recommitted to the standing committee on Military Affairs.

H. No. 246—A bill to incorporate the First Presbyterian Church in the town of Addison, Champaign county;

Recommitted to the standing committee on Corporations.

H. No. 228—A bill to repeal a part of the thirty fifth section of an act entitled, "an act to provide for the protection of the canals of the State of Ohio, the regulation of the navigation thereof, and for the collection of tolls;"

Recommitted to the standing committee on Canals.

H. No. 217—A bill to amend the act entitled, "an act to provide for the inspection of salt," passed February 3, 1840;

Recommitted to the standing committee on the Judiciary.

H. No. 227—A bill to provide for the permanent location of the seat of justice of Meigs county;

Recommitted to the standing committee on New Counties.

H. No. 230—A bill to amend "an act to provide for the safe keeping of idiots, lunatics or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838.

Recommitted to the standing committee on the Judiciary.

H. No. 223—A bill to incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit;

Recommitted to the standing committee on Corporations.

On motion of Mr. Walton,

The Senate took up H. bill, No. 16, to authorize the sale of school section number sixteen, in Harris township, in the county of Ottawa.

Mr. Walton moved to strike out all after the enacting clause, and insert the following:

That there shall be an adjourned session of the General Assembly, which shall commence at the town of Columbus, on Monday, the twenty fifth day of July next.

On agreeing to this motion,

Mr. Nash demanded the yeas and nays, which being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the amendment was agreed to, and the bill, as amended, was *Ordered* to its third reading on to-morrow.

The Speaker appointed Mr. Clark as an additional member of the joint standing committee on Enrolment, on the part of the Senate.

On motion of Mr. Wade,

The Senate took up H. bill, No. 185, for the relief of the Willoughby University of Lake Erie.

The question occurring on the indefinite postponement of the bill, Mr. Walton moved that the following be inserted in the bill, as section two:

"That the sum of two thousand dollars be and the same is hereby appropriated to the Monroe Academical Association, in Monroe county, to be paid out of the proceeds of auction sales within this State, not heretofore appropriated, on the order of the Auditor of State."

Mr. Leonard moved to amend the amendment, by inserting after the word county, in the fourth line, the words, "and one thousand dollars to the Fredericktown Academy, in the county of Knox."

The amendment to the amendment was disagreed to.

The question recurring on agreeing to the amendment,

Mr. Walton demanded the yeas and nays, which being ordered, were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Hazeltine, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Taylor, Walton, and Speaker—10.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foss, Godman, Goodin, Harris, Henderson, Holmes, Hostetter, Nash, Perkins, Robbins, Root, Sill, Spangler, Thomas, Van Vorhes, Wade, and Waddle—24.

So the amendment was disagreed to.

The question then recurred on the indefinite postponement of the bill; and the yeas and nays being demanded, they were ordered, and were, yeas 13, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler and Walton—13.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foss, Godman, Harris, Henderson, Holmes, Nash, Perkins, Root, Sill, Taylor, Thomas, Van Vorhes, Wade and Waddle—20.

So the Senate refused to indefinitely postpone.

Mr. Walton moved that the bill be postponed until the first Monday in December next; and on his motion,

Demanded the yeas and nays; which being ordered, were, yeas 14, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Goodin, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, and Walton—14.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Holmes, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—20.

So the Senate refused to postpone until first Monday in December next.

Mr. Leonard moved that the further consideration of the bill be postponed until the 25th of July next; and on his motion,

Demanded the yeas and nays; which being ordered, were, yeas 11, nays 21, as follows, to wit:

Yeas—Messrs. Goodin, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, and Walton—11.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Hazeltine, Henderson, Holmes, Nash, Perkins, Root, Sill, Taylor, Thomas, Van Vorhes, Wade and Waddle—21.

So the Senate refused to postpone until 25th of July next.

Mr. Hazeltine moved to amend the bill, by striking out, in the second line of the first section, the word "Cuyahoga," and insert instead thereof, the word "Lake."

A division of the question being called for, it turned on striking out, when

Mr. Hazeltine demanded the yeas and nays, and being ordered, were, yeas 15, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Dewey, Goodin, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, and Walton—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Godman, Henderson, Holmes, Nash, Perkins, Root, Sill, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

So the Senate refused to strike out.

Mr. Hazeltine then moved to amend the bill, by striking out all after the word pay, in the third line of section one, of the printed bill, and insert instead thereof, the following, to wit: "Into the Treasury of the State, all moneys he may receive from the several auctioneers of said county, which shall constitute a part of the common school fund of the State."

A division of the question being called for, it turned on striking out,

Mr. Hazeltine demanded the yeas and nays; which being ordered, were, yeas 15, nays 20, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, and Walton—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Holmes, Nash, Perkins, Root, Sill, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—20.

So the Senate refused to strike out.

Mr. Stanton moved that the Senate adjourn; on which motion,

Mr. Root demanded the yeas and nays; which being ordered, were, yeas 10, nays 24, as follows, to wit:

Yeas—Messrs. Hostetter, Leonard, Mitchell, Ream, Ritchey, Spangler, Stanton, Taylor, Walton and Speaker—10.

Nays—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Henderson, Holmes, Latham, McConnell, Nash, Perkins, Robbins, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—24.

So the Senate refused to adjourn.

Mr. Walton moved to amend the bill, in section one, line four, by inserting after the word "treasurer," the words "fifty per cent. of;" and on his motion,

Demanded the yeas and nays; which being ordered, were, yeas 15, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Dewey, Goodin, Hazeltine, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton and Walton—15.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Henderson, Holmes, Hostetter, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—19.

So the amendment was disagreed to.

Mr. Leonard moved to amend the bill, by inserting the following at the close of the first section: "provided, that no black or mulatto person shall be educated, or dissected in said institution;" and on his motion,

He demanded the yeas and nays; which being ordered, were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—17.

So the amendment was disagreed to.

Mr. Robbins moved that the Senate adjourn; on which motion,

Mr. Thomas demanded the yeas and nays; which being ordered, were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Bartley, Dewey, Foss, Goodin, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Walton and Speaker—17.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Ford, Godman, Henderson, Holmes, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—17.

So the Senate refused to adjourn.

Mr. Hazeltine offered an additional amendment to the bill; pending the consideration of which,

On motion of Mr. Root,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

WEDNESDAY, MARCH 2, 1842.

The Senate met pursuant to adjournment.

Mr. Waddle presented a petition from citizens of Clark county, praying an amendment to the laws relating to the Lunatic Asylum; which was

Referred to the standing committee on Public Institutions.

Mr. Carpenter presented a petition from citizens of Medina, in the county of Medina, praying for the repeal of the act of incorporation of said town of Medina, &c.; which was

Referred to the standing committee on Corporations.

Mr. Harris presented sundry memorials from citizens of Wayne county, remonstrating against the Legislature appropriating money out of the State Treasury for the support of the Medical College of Ohio; which was

Referred to the standing committee on Medical Colleges.

Mr. Spangler, from the standing committee on Finance, to which was recommitted Senate bill No. 115, for the relief of contractors on the Wabash and Erie canal, on the Miami Canal Extension, and for the completion of the same, reported the same back with sundry amendments; which were modified, and then agreed to.

The question then occurring on ordering the bill to be engrossed for its third reading,

Mr. Nash moved a call of the Senate; which being ordered, Messrs. Clark, Thomas and Walton were found absent.

On motion of Mr. Harris,

Further proceedings under the call were dispensed with.

The question recurring on ordering to its engrossment Senate bill No. 115,

Mr. Leonard demanded the yeas and nays; which being ordered, were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Dewey, Foos, Godman, Goodin, Harris, McConnell, Nash, Perkins, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas and Van Vorhes—18.

Nays—Messrs. Aten, Bartley, Crowell, Ford, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Root, Taylor, Wade, Waddle, Walton, and Speaker—18.

So the Senate refused to order the bill to its engrossment.

Mr. Spangler, from the standing committee on Finance, to which was recommitted the bill (Senate No. 152,) to provide for paying the temporary liabilities of the State, the interest on the State debt, and for other purposes, reported the same back with sundry amendments.

Mr. Perkins moved further to amend the bill, as follows:

Seventh section, and eighth line, after the word "companies," insert as follows, viz: excepting such loans of credit and subscriptions to capital stock, to said companies, as may be due them, at the time of the passage of this act; and on his motion,

Demanded the yeas and nays; which being ordered, were, yeas 11; nays 25, as follows, to wit:

Yeas—Messrs. Bartley, Dewey, Hazeltine, McConnell, Perkins, Ritchey, Stanton, Thomas, Wade, Waddle and Speaker—11.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Goodin, Harris, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, Nash, Ream, Robbins, Root, Sill, Spangler, Taylor, Van Vorhes and Walton—25.

So the amendment was disagreed to.

Mr. Hazeltine moved a call of the Senate, which, being ordered, Messrs. Ford, Foos, Holmes and Taylor were found absent.

Mr. Hazeltine moved that further proceedings under the call be dispensed with; which was agreed to.

The question occurring on agreeing to the following amendment, offered by Mr. Bartley, which is as follows:—

Sec. 5, line 5, after the word "appropriated," strike out the balance of the section, and insert, in lieu thereof, these words: "to the purposes of common schools, and paid into the common school fund,"

Mr. Leonard demanded the yeas and nays, which, being ordered, were, yeas 17, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell; McConnell, Ream, Ritchey, Robbins, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade and Waddle—19.

So the amendment did not prevail.

Mr. Bartley moved to amend the bill by striking therefrom the following section, to wit:

Sec. 5. That all moneys which may from time to time become due and payable to the state, under the act of Congress, entitled, "an act to appropriate the proceeds of sales of public lands, and to grant pre-emption rights," approved September 4, 1841, shall be received by the treasurer of state, on the order of the auditor of state, and shall be, and hereby are, appropriated to the payment of interest on the state debt, until otherwise appropriated by law.

On agreeing to striking out,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 13, nays 23, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Ritchey, Spangler, Taylor and Walton—13.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Henderson, McConnell, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—23.

So the Senate refused to strike out.

Mr. Nash moved that the bill, together with the amendment, be re-committed to a select committee of three; on which motion,

Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 30, nays 6, as follows, to wit.

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes and Speaker—30.

Nays—Messrs. Bartley, Latham, Root, Wade, Waddle and Walton—6.

So the motion prevailed, and Messrs. Nash, Robbins, and Leonard appointed that committee.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was re-committed House bill 128, to amend the act entitled, "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1838, and the act amendatory thereto,

passed March 7, 1837, reported the same back with sundry amendments, which were agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Ford, from the same committee, to which was recommitted House bill No. 86, to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company, reported the same back without amendment, and recommended that the bill be ordered to its third reading.

Mr. Taylor moved that the bill be indefinitely postponed, and on his motion, demanded the yeas and nays, which, being ordered, were, yeas 10, nays 25, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Hostetter, Latham, Mitchell, McConnell, Ream, Robbins, Taylor and Walton—10.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foss, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Leonard, Perkins, Ritchey, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

So the Senate refused to indefinitely postpone.

The question then occurring on ordering the bill to be engrossed for its third reading,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 25, nays 10, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foss, Godman, Goodin, Harris, Henderson, Holmes, McConnell, Perkins, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

Nays—Messrs. Aten, Bartley, Hazeltine, Hostetter, Latham, Leonard, Mitchell, Ream, Taylor and Walton—10.

So the bill was ordered to be engrossed.

Mr. Aten, from the standing committee on Colleges and Universities, reported the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That so much of the act entitled, "an act authorizing the Trustees of the Ohio University to dispose of certain lands," passed February 4, 1826, as authorizes the lessees of the lands belonging to said institution to surrender leases, and take deeds for the same, be and the same is hereby suspended for the term of one year, unless sooner revived and declared in force by the General Assembly.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was recommitted House bill No. 188, to incorporate the Hanover and Wellsville Railroad Company, reported the same back without amendment, and recommended its third reading; which was agreed to.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 123, further to amend the act entitled an act regulating judgments and executions, reported the same back, with sundry amendments.

On motion of Mr. Bartley,

The bill and pending amendments were laid upon the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted the following bill, reported the same back without amendment, and the bills were severally ordered to a third reading;

H. No. 289—A bill to repeal the charter of the Bank of New Lisbon;

H. No. 192—A bill for the relief of the Mayor, Recorder, and Trustees of the town of Dresden, in Muskingum county;

H. No. 247—A bill for the relief of Susannah McGrew;

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill No. 133, for the relief of Jacob Darner, reported the same back without amendment, and the bill was ordered to its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill No. 175, to provide for the execution and record of contracts for the sale and mortgage of personal property, unaccompanied with possession, reported the same back without amendment.

On motion of Mr. Stanton,

The further consideration of the bill was postponed until the first Monday in December next.

Mr. Bartley, from the same committee, to which was referred the petition of Benjamin Briggs, Esq., reported the same back, and asked to be discharged from the further consideration thereof; which was agreed to.

On motion of Mr. Ford,

The petition was laid upon the table.

Mr. Harris, from the standing committee on Claims, to which the subject was referred, reported the following resolution, which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That the following sums be paid to the persons hereinafter named, viz: to I. N. Whiting & Huntington, six dollars and seventy five cents; to Henry W. Derby, the sum of six dollars and seventy five cents; to Gills & McCune, the sum of five dollars; and to John Walton, the sum of eleven dollars; and that the same be provided for in the general appropriation act.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill No. 296, to divorce Julia J. Spencer from her husband, Daniel Spencer, reported the same back without amendment.

On motion of Mr. Bartley,

The bill was laid on the table.

Mr. Crowell, from the standing committee on Military Affairs, to which was recommitted House bill No. 63, for the relief of John Erbe, Jacob Warner, and Mark W. Babb, reported the same back with sundry amendments, which were agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Thomas, from the standing committee on the Judiciary, to which was referred the petition of D. B. Mooney, with the accompanying papers, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition; which was agreed to.

The standing committee on the Judiciary, to which was referred the petition of D. B. Mooney, with the accompanying papers, have had the same under consideration, and now report:

That it appears from the papers that the petitioner became the purchaser of a tract of land, the title to which was in Mary Lavoix, wife of Francis Lavoix, and her three minor children. He desires the passage of an act to authorize the father and mother to convey the interest of the said Mary and her minor children in said tract of land, to the petitioner, full consideration having been paid therefor.

Your committee being of the opinion that the court of Chancery is the only proper tribunal to which application should be made for relief in such cases, ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted the bill, House No. 170, reported the same back without amendment, and recommended its indefinite postponement.

The question occurring on the indefinite postponement,

Mr. Hazeltine demanded the yeas and nays, which, being ordered, were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Dewey, Ford, Godman, Harris, Henderson, Leonard, Perkins, Sill, Spangler, Stanton, Thomas, Van Vorhes, Waddle, and Speaker—17.

Nays—Messrs. Aten, Foss, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Wade, and Walton—14.

So the bill was indefinitely postponed.

Mr. Harris, from the standing committee on Claims, to which was referred House resolution in relation to the claim of Griffith Standard & Co., and J. F. West, reported the same back and recommended its adoption, which was agreed to.

Mr. Crowell, from the standing committee on Military Affairs, to which was referred the petitions of sundry citizens of Mount Pleasant, praying for the repeal of the law exacting a penalty for the non-performance of military duty, made the following report, which was agreed to:

The standing committee on Military Affairs, to whom was referred the petition of sundry citizens of Mount Pleasant, in Jefferson county, praying the repeal of the law exacting a fine or penalty for non-performance of military duty, ask to be discharged from the further consideration of the same, and recommend the postponement thereof to the first Monday of December next.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted the following bills, reported the same back without amendment, and they were ordered to a third reading on to-morrow:

H. No. 230; A bill to amend "an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838.

H. No. 217; A bill to amend the act entitled, "an act to amend the act entitled, an act to amend the act to provide for the inspection of salt," passed February 3, 1840.

Mr. Waddle, from the standing committee on Roads and Highways, to which were recommitted the following bills, reported the same back without amendment, and the bills were ordered to their third reading on to-morrow:

H. No. 157; A bill to lay out and establish a graded state road in the counties of Muskingum and Coshocton.

H. No. 238; A bill to lay out and establish a graded state road in the counties of Holmes, Wayne, and Stark.

H. No. 215; A bill to authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county.

H. No. 147; A bill to amend the act entitled, "an act prescribing the duties of supervisors, and relating to roads and highways, passed March 20th, 1837.

Mr. McConnell, from the standing committee on Canals, to which was recommitted House bill No. 228, to repeal a part of the thirty fifth section of an act entitled, "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls," reported the same back with sundry amendments, which were agreed to, and the bill ordered to its third reading on to-morrow.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted the bill, Senate No. 85, to amend an act entitled, "an act to establish a fund for the support of common schools;" and also, to amend the act entitled, "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," and an act amendatory thereto, reported the same back and recommended its indefinite postponement.

The question occurring on the recommendation of the committee to indefinitely postpone the bill,

Mr. Carpenter demanded the yeas and nays, which, being ordered, were, yeas 22, nays 8, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Spangler, Stanton, Walton, and Speaker—22.

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Sill, Van Vorhes, Wade, and Waddle—8.

So the bill was indefinitely postponed.

Mr. Sill, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have deposited the following enrolled acts and resolutions in the office of the Secretary of State, and received his receipt therefor, to wit:

H. No. 189—An act to provide for re-numbering the lots in the city of Dayton.

H. No. 270—An act to amend the act fixing the time of holding the court of common pleas for the year 1842.

S. No. 40—An act to amend the act entitled, "an act to establish a Court in Bank and regulate its practice," passed March 10, 1831.

S. No. 51—An act to confer the authority of changing the names of persons, towns, and villages, upon the courts of common pleas.

S. No. 63—An act to amend the act entitled, "an act to amend an act entitled, an act to incorporate the Stark County Mutual Insurance Company," passed March 27, 1841.

S. No. 65—An act to amend "an act to provide for the election and resignation of justices of the peace," passed January 31, 1831.

S. No. 78—An act to incorporate the First Regular Baptist Church, in Berlin, Erie county, Ohio.

S. No. 82—An act to incorporate the Wardens and Vestry of Trinity Church, in Toledo, in the county of Lucas.

S. No. 86—An act to incorporate the First Cumberland Presbyterian Church of Alexander, in the county of Athens.

S. No. 94—An act to extend the provisions of the act entitled, "an act providing for the appointment of commissioners of sewers in certain counties in this state," passed March 26, 1841, to the counties of Logan and Miami.

S. No. 95—An act to incorporate the First Free Will Baptist Society, in the township of Liberty, in the county of Licking.

S. No. 99—An act to incorporate the First Regular Baptist Church of Twinsburg, in Summit county.

S. No. 100—An act to incorporate the town of Albany, in the county of Athens.

S. No. 103—An act to incorporate the Kaal a Kadesh Beni Jeshurun (Holy Congregation of Children of Jeshurun,) of the city of Cincinnati.

S. No. 107—An act to amend the act entitled, "an act to incorporate the Protestant Methodist Academy, in the village of Brighton, in the county of Cuyahoga," passed March 17, 1841.

S. No. 113—An act to suspend the sixth section of the "act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county," passed March 17, 1838, and the third section of an act amendatory thereto, passed March 9, 1839, so far as said sections affect the township of Monroe, in the county of Logan.

S. No. 114—An act to amend the act entitled, "an act granting licenses to pedlars."

S. No. 93—An act to incorporate the trustees of the Wesley Chap-
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el of the Methodist-Episcopal Church, at Chagrin Falls, in the county of Cuyahoga.

H. No. 197—An act to incorporate the Anshi Cheamed Congregation of the city of Cleveland.

H. No. 140—An act to incorporate the First Regular Baptist Church of Green township, Richland county.

H. No. 139—An act to incorporate the German Methodist Episcopal Church of Marietta, Washington county.

H. No. 116—An act to authorize the levy of an additional tax in school district No. 2, in Rome township, in the county of Ashtabula.

H. No. 105—An act to amend the act entitled, "an act for the inspection of certain articles therein enumerated."

H. No. 62—An act to amend an act entitled, "an act to incorporate the Hamilton and Rossville Hydraulic Company."

H. No. 20—An act to amend an act entitled "an act to incorporate the town of New Lisbon, in the county of Columbiana."

H. No. 124—An act to incorporate the Montgomery Turnpike Company.

H. No. 123—An act to incorporate the Woodland Cemetery Association of Dayton.

H. No. 121—An act to lay out and establish a graded state road in the counties of Harrison and Belmont.

H. No. 151—An act to incorporate the First Old School Presbyterian Church of Bethel, in Wayne township, Columbiana county.

H. No. 152—An act to alter a certain state road in Allen and Putnam counties.

H. No. 154—An act to incorporate the First Baptist Society, in Strongsville, in the county of Cuyahoga.

H. No. 160—An act to incorporate the Myrtle tree Baptist Church of Lawrence county.

H. No. 161—An act to incorporate the Symmes' Creek Baptist Church, in Lawrence county.

H. No. 166—An act to incorporate the Fifth Street Baptist Church of Cincinnati, Hamilton county.

H. No. 168—An act for the relief of Fitzaland Jennings, of Scott township, Sandusky county.

H. No. 170—An act to incorporate the First Regular Church and Society of Henrietta, in Lorain county.

H. No. 171—An act to incorporate the Roman Catholic Church, in Vernon township, Richland county, under the name and style of "Jesus Christ."

H. No. 173—An act to review and locate so much of the state road leading from Mount Pleasant, in the county of Jefferson, to Martinsville, in the county of Belmont, as lies between the Little Fork of Short Creek and Glen's Run.

H. No. 176—An act to incorporate the Second Presbyterian Church of Oxford, in the county of Butler.

H. No. 178—An act to incorporate the First Baptist Society of Huntingdon, Lorain county, Ohio.

H. No. 182—An act to incorporate the Regular Baptist Church of Jesus Christ, in the town of Windsor, in Richland county.

H. No. 185—An act to incorporate the Regular Baptist Church of Bethel, in Madison township, Franklin county.

No. 186—An act to incorporate the Wardens, Vestrymen, and associate members of the Parish of St. Paul's Church of the town of Lower Sandusky.

H. No. 191—An act for the relief of Robert Dunham, Abram Teeter, and William Roudebush, sund commissioners of Clermont county.

H. No. 190—An act to incorporate the First Regular Baptist Church of Neville, in Clermont county.

H. No. 198—An act to incorporate the Hook and Ladder Company of Leesburg, in the county of Carroll.

H. No. 199—An act to incorporate the First Congregational Society of Geneva, Harpersfield, and Saybrook, in the county of Ashtabula.

H. No. 200—An act to incorporate the town of Lima, in the county of Allen.

H. No. 69—An act to incorporate the Newark St. John's German Evangelical Protestant Church of Licking county.

H. No. 202—An act to incorporate the town of Benton, in Holmes county.

S. No. 52—An act authorizing the commissioners of Hancock county, to assess additional taxes for bridge purposes.

S. No. 11—An act to establish a free turnpike road from Belfontaine, in Logan county, to the Indiana state line.

S. No. 61—An act to vacate part of the state road running from the southeast corner of Trumbull county, to New Portage, on the Ohio canal, commonly called the county line road.

S. No. 57—An act to incorporate the First Presbyterian Church, of Grand, Marion county.

S. No. 55—An act to restore Leonard L. Bush to his legal rights and privileges.

S. No. 66—An act to incorporate Steubenville Lodge No. 45, of Free and Accepted Masons, of Steubenville, Ohio.

S. No. 73—An act for the relief of certain securities.

S. No. 75—An act to incorporate the First Congregation of Disciples, at Fulton, Stark county.

S. No. 106—An act to amend the act entitled, an act to incorporate the First Protestant Methodist Society, in the township of Brooklyn, in the county of Cuyahoga, passed March 17, 1840.

S. No. 44—An act to incorporate the First Presbyterian Society of the town of Ashland, Richland county.

S. No. 46—An act to incorporate the Presbyterian Church of Cross Creek, in the county of Jefferson.

S. No. 14—An act to authorize the trustees of school section number sixteen, in Hopewell township, Seneca county, to lease said school lands.

H. No. 203—An act to incorporate the town of Gallipoli, in the county of Richland.

H. No. 76—An act to repeal the act incorporating the town of Hillsborough, in the county of Highland.

H. No. 87—An act to authorize the fund commissioners of Hamilton county to purchase certain real estate.

H. No. 94—An act to alter certain school districts, in Bucyrus township, Crawford county.

H. No. 114—An act to provide for the improvement and repair of a certain county road in Hamilton county.

H. No. 125—An act to incorporate the First Presbyterian Church of Piqua, in the county of Miami.

H. No. 130—An act to incorporate the Donnellsville Library Association, in the county of Clark.

H. No. 207—An act to lay out and establish a graded state road in the counties of Holmes and Stark.

H. No. 132—An act to incorporate the Dover Library Association, in the county of Cuyahoga.

H. No. 48—An act defining certain duties of Clerks, Sheriffs, and Prosecuting Attorneys.

H. No. 40—An act to repeal the act to amend the act to incorporate the Theological Seminary, of the Protestant Episcopal Church, in the diocese of Ohio.

H. No. 26—An act concerning elections in the township of Cleveland.

Resolution in relation to compensating William Domigan, for attendance on the Supreme Court in Bank.

Resolution in relation to the admission of Constant Ruby and Tracy Ruby into the Blind Asylum.

Resolution to admit James Darraugh into the Deaf and Dumb Asylum.

Resolution allowing certain claims.

Resolution relative to the Treasurer of State.

Resolution relative to the Secretary of State.

Resolution relative to admitting Lucy Swift into the Asylum for the Deaf and Dumb.

Mr. Sill, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment report that they have examined and found duly enroled the following acts, to wit:

House No 70; An act to incorporate the First Presbyterian Church of Liberty township, in Delaware county.

House No. 162—An act to divorce Esther A. Creain from her husband, Andrew L. Creain.

Mr. Spangler, from the standing committee on Finance, to which was recommitted the bill, Senate No. 168, to amend an act entitled, "an act to provide for the levying a tax on the capital of exchange brokers and stock jobbers," &c., passed March 21, 1840, reported the same back without amendment.

On motion of Mr. Perkins,

The bill was amended.

The question occurring on ordering the bill to be engrossed,
The yeas and nays were demanded, and being ordered, were, yeas
30, nays 5, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Crowell, Dewey,
Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes,
Hostetter, Latham, Leonard, Mitchell, McConnell, Perkins, Ream,
Ritchey, Robbins, Spangler, Stanton, Taylor, Thomas, Van Vorhes,
Walton, and Speaker—30.

Nays—Messrs. Carpenter, Nash, Sill, Wade, and Waddle—5.

So the bill was ordered to be engrossed for its third reading on to-morrow.

Mr. Taylor, from the standing committee on the Currency, to which was recommitted the bill, House No. 281, to repeal the charter of the Farmers' Mechanics' and Manufacturers Bank of Chillicothe, reported the same back with one amendment, which was agreed to.

The question occurring on ordering the bill to its third reading, Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the bill was,

Ordered to its third reading on to-morrow.

Mr. Taylor, from the standing committee on the Currency, to which was recommitted the bill, House, No. 286, to repeal the charter of the Farmers' and Mechanics' Bank of Cincinnati, reported the same back with one amendment; which was agreed to.

The question occurring on ordering the bill to its third reading,

Mr. Taylor demanded the yeas and nays; which being ordered, were, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the bill was,

Ordered to its third reading.

Mr. Henderson, from the standing committee on Public Buildings, to which was recommitted Senate resolution, relative to the purchase of a Franklin stove for the Senate chamber, reported the same back, and recommended its indefinite postponement; which was agreed to.

Mr. Thomas, from the standing committee on the Judiciary, to which was recommitted Senate bill 109, to quiet land titles in the Virginia military land district, northwest of the Ohio river, reported the same back with sundry amendments.

On motion of Mr. Robbins,

The bill and pending amendments were postponed until the 25th of July next.

Mr. McConnell, from the standing committee on Canals, made the following report; which was agreed to:

The standing committee on Canals, to whom was referred the petitions of citizens of Medina and Wayne counties, praying for the construction of a canal from Wooster, in Wayne county, to Portage, in Summit county, have had the same under consideration, and ask leave to be discharged from the further consideration thereof, and the petitioners have leave to withdraw their petitions.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred a petition from citizens of Lake and Geauga counties, relating to a state road leading from Ravenna to Painesville, reported the same back, and,

On motion,

Its further consideration was postponed until first Monday in December next.

Mr. Waddle, from the same committee, to which was referred a petition from citizens of Lorain county, relative to a state road from Ashland to Grafton and Eaton, reported the same back; which,

On motion,

Was laid upon the table.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill, No. 164, to incorporate the Union Society of the Oberlin Collegiate Institute, reported the same back without amendment.

Mr. Bartley moved that the bill be laid upon the table.

And on his motion, demanded the yeas and nays; which being ordered, were, yeas 16, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Harris, Hazeltine, Holmes, Hottetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—16.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Leonard, Nash, Perkins, Sill, Stanton, Van Vorhes, Wade and Waddle—16.

So the Senate refused to lay upon the table.

Mr. Taylor moved a call of the Senate; which being ordered, Messrs. Clark, Goodin, Root and Thomas, were found absent.

Mr. Taylor moved that further proceedings under the call be dispensed with; on which motion,

Mr. Stanton called for the yeas and nays; which being ordered, were, yeas 15, nays 16, as follows, to wit:

Yeas—Messrs. Bartley, Goodin, Holmes, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—15.

Nays—Messrs. Aten, Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Harris, Henderson, Hostetter, Perkins, Sill, Stanton, Van Vorhes, Wade and Waddle—16.

So the Senate refused to dispense with its proceedings under the call.

On motion of Mr. Nash,

Further proceedings under the call were dispensed with.

The question then occurring on the engrossment of the bill,

The yeas and nays were demanded, and being ordered, were, yeas 15, nays 19, as follows, to wit:

Yeas—Messrs. Burnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

So the Senate refused to order the bill to its engrossment.

Mr. Nash, from the select committee to which was recommitted Senate bill, No. 152, to provide for paying the temporary liabilities of the state, the interest on the state debt, and for other purposes, reported the same back with sundry amendments; which were agreed to.

Mr. Dewey moved to strike out the seventh section; on which motion,

Mr. Mitchell demanded the yeas and nays; which being ordered, were, yeas 3, nays 24, as follows, to wit:

Yeas—Messrs. Goodin, Perkins and Ritchey—3.

Nays—Messrs. Aten, Barnett, Ford, Foos, Harris, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Nash, Ream, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—24.

So the Senate refused to strike out.

The question then recurring on ordering the bill to be engrossed,

Mr. Mitchell demanded the yeas and nays; which being ordered, were, yeas 17, nays 11, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Ford, Foos, Godman, Goodin, Harris, McConnell, Nash, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas, Van Vorhes and Waddle—17.

Nays—Messrs. Aten, Holmes, Hostetter, Mitchell, Perkins, Ream, Root, Taylor, Wade, Walton and Speaker—11.

So the bill was,

Ordered to be engrossed for its third reading this day.

On motion of Mr. Spangler,

The Senate took up House bill, No. 39, to provide for the revaluation and sale of the canal lands belonging to the State of Ohio; and also to amend the acts now in force in relation thereto.

The question recurring on the passage of the bill,

The yeas and nays were demanded, and being ordered, were, yeas 33, nays 1, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Speaker—33.

Nay—Mr. Walton—1.

So the bill was passed.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the following bills, reported the same back without amendment, and they were,

Ordered to their third reading on to-morrow.

H. No. 248. A bill to incorporate the First Presbyterian Church, in the town of Addison, Champaign county;

H. No. 211. A bill to vacate Vinton street, in the town of Miamisburg, in the county of Montgomery;

H. No. 303. A bill to amend the act entitled, "an act to incorporate the town of Addison, in the county of Champaign," passed March 11, 1836;

H. No. 126. A bill to incorporate the town of Jackson, in the county of Jackson;

H. No. 5. A bill to incorporate the First Free Will Baptist Society of Brunswick; Medina county;

H. No. 256. A bill to extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes.

Mr. Holmes, from the same committee, to which they were recommitted, reported back the following bills, asked to be discharged from the further consideration thereof, and that the bills be referred to the standing committee on Schools and School Lands; which was agreed to.

H. No. 92. A bill making special provisions for the sale or revaluation of section twenty nine, in Mill Creek township, Hamilton county;

H. No. 131. A bill making special provisions for the sale of section twenty nine, in Sycamore township, in the county of Hamilton.

Mr. Holmes, from the same committee, to which they were recommitted, reported back the following bills, with sundry amendments; which were agreed to, and the bills were,

Ordered to their third reading on to-morrow.

H. No. 181. A bill to incorporate the Ohio Conference High School, in the town of Springfield, and county of Clark;

H. No. 187. A bill to incorporate the Phoenix Fire Company, in Canton, Stark county;

H. No. 117. A bill to amend an act entitled, an act to incorporate the town of Lebanon, in the county of Warren;

H. No. 223. A bill to incorporate the Tallmadge Academical Institute of Tallmadge, in the county of Summit.

Mr. Nash, from the standing committee on Schools and School Lands, to which they were recommitted, reported back the following bills, without amendment, and they were,

Ordered to their third reading on to-morrow.

H. No. 167; A bill to authorize the sale of school section, No. 16, in the township of Chatfield, Crawford county; and also to repeal an act entitled, "an act to provide for the sale of section 16, in township, number one, in range seventeen, in Crawford county," passed March 23, 1837;

H. No. 225; A bill to amend an act entitled, "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841.

Mr. Holmes, from the standing committee on Corporations, to which was referred a petition from citizens of Medina, in reference to the incorporation thereof, reported the same back, and recommended its postponement until the first Monday in December next; which was agreed to.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill (H. No. 280) to repeal the charter of the Ohio Insurance Company, reported the same back without amendment.

The question occurring on ordering the bill to its third reading,

Mr. Root demanded the yeas; which being ordered, were—yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the bill was ordered to its third reading on to-morrow.

Mr. Root, from the standing committee on Public Institutions, to which was referred the petition from citizens of Clark county, praying an amendment to the laws relating to the Lunatic Asylum, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petition; which was agreed to.

Mr. Ritchey, from the standing committee on New Counties, to which was recommitted the bill (H. No. 227) to provide for the permanent location of the seat of justice for the county of Meigs, reported the same back without amendment, and recommended its indefinite postponement.

The question occurring on the recommendation of the committee to indefinitely postpone the bill,

Mr. Nash demanded the yeas and nays; which being ordered, were—yeas 25, nays 10, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Foss, Godman, Hazeltine, Henderson, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—25.

Nays—Messrs. Ford, Goodin, Harris, Holmes, Hostetter, Latham, Mitchell, Spangler, Taylor and Walton—10.

So the bill was indefinitely postponed.

Mr. Ritchey, from the standing committee on New Counties, to which was referred the petition of sundry citizens of Geauga and Cuyahoga counties, praying the Legislature to repeal the law attaching a part of the township of Russel, in the county of Geauga, to Orange, in the county of Cuyahoga, &c., made the following report; which was agreed to:

The standing committee on New Counties, to whom was referred the petitions of sundry citizens of Geauga and Cuyahoga counties, praying the Legislature to repeal the law attaching a part of the township of Russel, in the county of Geauga, to Orange, in the county of Cuyahoga, and a part of the township of Orange to the township of Russel, in the county of Geauga, have had the same under consideration, and find that a notice for such alteration has not been given. The committee ask leave to be discharged from further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted the bill (H. No. 224) further to amend the act entitled "an act to incorporate the City of Ohio, reported the same back with one amendment; which was agreed to, and the bill

Ordered to be engrossed for its third reading on to-morrow.

Mr. Spangler, from the select committee to which the subject was referred, reported the following resolution; which was agreed to:

Resolved by the Senate and House of Representatives, That both branches of this General Assmblly will meet in the Hall of the House of Representatives on Friday, the 4th inst., at 3 o'clock, P. M., for the purpose of electing one Judge of the Supreme Court of Ohio; one Associate Judge for the county of Medina; one Associate Judge for the county of Logan; one Major General for the sixth Division of the Ohio Militia; one Associate Judge for the county of Richland; one Associate Judge for the county of Gallia; one Associate Judge for the county of Perry; one Register and one Receiver for the State Land Office at Lima; one Receiver for the State Land Office at Maumee; and two Directors for the Ohio Penitentiary.

Mr. Hazeltine, from the select committee to which was recommitted House bill No. 213, to amend an act to establish the Miami University, and appointing trustees for the same, reported the same back with two amendments; which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Thomas, from the select committee to which was recommitted House bill No. 246, to amend the act fixing the times of holding the Courts of Common Pleas, reported the same back with one amendment; which was agreed to, and the bill then passed.

Mr. Walton, from the select committee to which was referred the following bills, reported the same back without amendment, and they were

Ordered to their third reading on to-morrow.

H. No. 260—A bill to lay out and establish a graded State road in the counties of Washington and Monroe;

H. No. 274—A bill to lay out and establish a graded State road in the counties of Monroe, Morgan and Washington.

The following bill was read the second time, and committed to the standing committee on Finance:

H. No. 259—A bill making appropriations for the year 1842.

The following bills were severally read the third time and passed, to wit:

S. No. 169—An act supplementary to the act entitled "an act further to amend the act providing for the appointment of the Board of Bank Commissioners, and for the regulation of banks within the State of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the State of Ohio," passed February 18, 1842.

On the passage of this bill,

Mr. Crowell demanded the yeas and nays; which being ordered, were—yeas 18, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the bill passed.

H. No. 21—An act to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824.

On the passage of this bill,

Mr. Nash demanded the yeas and nays; which being ordered, were—yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the bill passed.

H. No. 16—An act to authorize the sale of school section number sixteen, in Harris township, in the county of Ottawa.

The question being on the passage of this bill,

Mr. Stanton demanded the yeas and nays; which being ordered, were—yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—16.

So the bill was passed.

Ordered, That the title be amended as follows:

“An act to provide for an adjourned session of the General Assembly,” and that the House be informed thereof.

H. No. 205—An act to incorporate the Lafayette University, at New Carlisle, Clark county.

Ordered, That the titles be as aforesaid, and that the House be informed thereof.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills of the House, to which the signature of the Speaker of the Senate is requested:

H. bill No. 27—To incorporate the trustees of the Central College of Ohio;

H. bill No. 84—To provide for the revaluation of section twenty-nine, in Union township, Butler county;

H. bill No. 145—To amend the act entitled “an act for the punishment of crimes,” passed March 7, 1835;

H. bill No. 149—To legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes;

H. bill No. 184—To authorize the commissioners of Henry county to borrow money.

The Speaker of the House has signed the following resolutions of the House and Senate, to which the signature of the Speaker of the Senate is requested:

House resolution in relation to the reception of Charles R. Kennedy into the Blind Asylum;

Senate resolution in relation to Evans Bentley.

Attest:

Gib. M. Ayres, Clerk.

The Speaker of the Senate signed the above enrolled bills and resolutions.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time, and passed, to which the concurrence of the Senate is requested:

No. 153—To incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association;

No. 172—To amend an act entitled "an act prescribing the duties of county treasurers," passed March 12, 1831;

No. 221—Making special appropriations in favor of Shelby, Cuyahoga and Lorain counties;

No. 231—To settle the claims of James Taylor, Jr.;

No. 234—For the relief of Charles F. Berkley, William Geddes and David Eveland;

No. 243—To establish a free turnpike road from Lima, Allen county, to Perrysburgh, in Wood county;

No. 253—To repeal so much of the act entitled "an act to incorporate the Ohio Turnpike Company," passed February 11, 1832, as authorizes said company to survey and locate their road from the junction of said road with the Batavia Turnpike Road to the city of Cincinnati, in the county of Hamilton;

No. 257—To authorize and enable the county commissioners of the county of Hamilton, to make a graded road from the town of Carthage, in said county, to the head of Vine Street, in the city of Cincinnati;

No. 264—To lay out and establish a state road in the counties of Williams, Henry and Hancock;

No. 273—To authorize the commissioners, of the county of Hamilton, to purchase a part of the Cincinnati and Harrison Turnpike Road;

No. 294—To amend the act entitled "an act to incorporate the town of Covington, in the county of Miami," passed March 3, 1834;

No. 295—To repeal an act passed February 22, 1830, and an act amendatory thereto, passed February 11, 1832, to establish a board of commissioners to improve the navigation of the Killbuck creek, with one amendment;

No. 300—To amend the act entitled "an act to punish trespassers on the public lands," passed March 31, 1837.

The House has, also, passed the following bills of the Senate, viz:

No. 30—To amend the act entitled "an act defining the powers and duties of Justices of the Peace, and constables, in criminal cases," passed March 27, 1837, and the act amendatory thereto, with amendments, in which the concurrence of the Senate is requested;

No. 59—To amend the act entitled "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839, with one amendment, in which the concurrence of the Senate is requested;

No. 104—To authorize the sale of the real and personal property of the Urbana Academy;

No. 88—To authorize the holding of special terms of the Court of Common Pleas, within and for the county of Scioto, for criminal and other business;

No. 124—Instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts and other regulations, as to corporations generally, with sundry amendments, to which the concurrence of the Senate is requested:

Attest:

GID. M. AYRES, *Clerk.*

The bills of the House were read the first time.

The Senate concurred in House amendments to Senate bills Nos. 30, 59 and 124.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution in relation to claim of Gideon M. Ayres.

Attest:

GID. M. AYRES, *Clerk.*

The House resolution was referred to the standing committee on Claims.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read the third time, and passed, (the House,) to which the concurrence of the Senate is requested:

H. No. 229—To provide for the management of the public debt, and to preserve the credit of the State;

H. No. 254—To incorporate the Canaan Union Academy;

H. No. 122—To regulate the fees of certain officers and witnesses, in the county of Hamilton;

H. No. 299—To incorporate the Bath High School, of Bath, in the county of Summit;

H. No. 220—To incorporate the First Regular Baptist Church of Jackson, Jackson county;

H. No. 277—To authorize the sale of school section, number sixteen, in Greensburg township, in the county of Putnam;

H. No. 268—To amend an act entitled "an act to incorporate the Barnesville Male Academy," passed March 12, 1839;

H. No. 275—To incorporate the German Reformed and Lutheran Church of Bethlehem, in Stark county;

H. No. 249—To incorporate the town of Mt. Eaton, in the county of Wayne;

H. No. 266—To incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church of Mt. Eaton, in the county of Wayne;

H. No. 218—To amend an act entitled "an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county;

H. No. 271—To amend the eighth section of an act entitled "an act to provide for the Internal Improvement of the State of Ohio by navigable canals;

H. No. 262—To revive the act entitled "an act to provide for the sale of section sixteen, granted by Congress for the use of schools," passed January 29, 1827, so far as relates to the surrender of leases, and taking of deeds, for the purpose of enabling the lessees on section, number sixteen, fractional township, number four, second fractional range of townships in the Miami purchase, to surrender their leases and take deeds.

The following bill of the Senate has been read the third time, and passed, with amendment, to which the concurrence of the Senate is requested:

S. No. 67—To regulate the mode of collecting debts against turnpike companies, in which the State is a stockholder.

Attest:

GID. M. AYERS, *Clerk.*

The bills of the House were read the first time.

Senate bill No. 67, together with House amendments thereto, were

Referred to the standing committee on Railroads and Turnpikes.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed House bill No. 11, to establish permanently the seat of justice for Summit county, to which the signature of the Speaker of the Senate is requested.

Attest:

GID. M. AYERS, *Clerk.*

The Speaker of the Senate signed the above enrolled bill.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to House bill No. 11.

The House has, also, agreed to the first amendment of the Senate to House bill No. 56, and disagreed to the second, third, and fourth amendments

The House has adopted the fifth amendment of the Senate, to come in as section seven, and to retain section four, of the bill.

Senate bill No. 172—Allowing the sheriff of Muskingum county additional time to return process, has been read the third time, and passed.

Attest:

GID. M. AYERS, *Clerk.*

The Senate insisted upon its second, third and fourth amendments to House bill No. 56.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills, to which the signature of the Speaker of the Senate is requested:

H. No. 70—To incorporate the First Presbyterian Church of Liberty township, in Delaware county;

H. No. 162—To divorce Esther A. Creain from her husband Andrew L. Creain.

Attest.

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills.

Message from the House of Representatives.

Mr. Speaker:

The House indefinitely postponed Senate bill No. 1, to repeal the act entitled "an act to amend the act entitled an act for the regulation of Turnpike Companies," passed February 8, 1826.

The House have passed the following Senate resolutions:

A resolution in relation to the appointment of certain appraisers;

A resolution in relation to Lake Scipo.

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution in relation to Claims of Platt and Co., and A Backus.

Attest:

GID. M. AYRES, *Clerk.*

The House resolution was referred to the standing committee on Claims.

Message from the House of Representatives.

Mr. Speaker:

The following resolutions of the Senate have been passed by the House:

A resolution in relation to the Goshen, Wilmington, and Columbus Turnpike Company;

A resolution in relation to the appointment of certain appraisers;

A resolution relative to the Milan Canal Company.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker laid before the Senate a communication from the Governor, announcing the resignation of Hon. F. Grimke, one of the Judges of the Supreme Court.

On motion of Mr. Spangler,

The communication was laid upon the table.

On motion of Mr. Root,

The Senate took up House bill No. 296, to divorce Julia J. Spencer from her husband Daniel Spencer.

The question occurring on ordering the bill to its third reading, the yeas and nays were demanded; which being ordered, were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Crowell, Godman, Goodin, Harris, Holmes, Hostetter, Latham, Mitchell, McConnell, Perkins, Ream, Ritchey, Robbins, Taylor and Wade—18.

Nays—Messrs. Barnett, Carpenter, Dewey, Ford, Hazeltine, Henderson, Nash, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Waddle, Walton and Speaker—16.

So the bill was ordered to its third reading on to-morrow.

Mr. Henderson offered the following resolution; which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State is hereby required to draw an order on the Clerk of the Court of Perry county, in favor of the Clerk of the Court of Muskingum county, for six volumes of Swan's Collated Statutes.

The following bill was read the third time:

S. No. 152—A bill to provide for paying the temporary liabilities of the State, the interest on the State debt, and for other purposes.

The question occurring on the passage of the bill,

Mr. Clark demanded the previous question, on sustaining which, Mr. Bartley demanded the yeas and nays, which being ordered, were, yeas 22, nays 10, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Ford, Foos, Goodin, Harris, Henderson, Mitchell, McConnell, Nash, Perkins, Ream, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade and Waddle—22.

Nays—Messrs. Aten, Bartley, Crowell, Dewey, Holmes, Hostetter, Latham, Ritchey, Walton and Speaker—10.

So the call was sustained.

The question recurring on the passage of the bill,

Mr. Holmes demanded the yeas and nays, which being ordered, were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Henderson, McConnell, Nash, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas, Van Vorhes and Waddle—20.

Nays—Messrs. Aten, Bartley, Crowell, Holmes, Hostetter, Latham, Mitchell, Perkins, Ream, Root, Wade, Walton and Speaker—13.

So the bill passed.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

Mr. Walton, on behalf of himself and others, gave notice that on to-morrow or some subsequent day of the present session, a protest would be entered on the journal against the passage of Senate bill, No. 152, and the manner of passing the same.

On motion of Mr. Robbins,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

THURSDAY, MARCH 3, 1842.

The Senate met pursuant to adjournment.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred a resolution to inquire if any amendments were necessary to the school law, made the following report, which was laid on the table:

The standing committee on Schools and School Lands, to which was committed a resolution to inquire if any amendments were necessary to the School Law, to secure, to all interested, free access to the public schools, while the public moneys were being expended, report—

The committee have examined the laws upon this subject, and believe that no amendment is needed to secure, to all interested, free access to the public schools, while the public moneys are being expended. The first principle of our common school system, and which pervades the whole system, is, that the schools, supported by the public funds, shall be open and free to all. Any other principle would defeat the very intention and object had in view in raising the common school fund, which were to afford the means of a common school education to all the youth in our State, whatever might be their condition in life. No one can be excluded on any pretence whatever. While the public money is being expended in the payment of a teacher, no scholar within the district can be excluded from an equal participation in its benefits.

But there was found to be a difficulty in the operation of the first law; if there was not a sufficient amount of the public money to continue the school for a proper length of time, there

were no means of compelling such as might wish to continue it, to pay their due proportion of the expense. To remedy this inconvenience, the seventh section of the act of April 1, 1837, was passed. That section provides, that where the public funds are insufficient to support the schools as long as the directors desire to have the same taught in any one year, the residue thereof shall be paid by those sending scholars to such school, in proportion to the number of scholars respectively sent to such school, and the time they shall attend the same. This section does not, when rightly considered, conflict with, or alter, the prior law. It has another object in view: to authorize school directors to continue a school for a longer term than the public money would allow of. It, therefore, cannot apply, until such time as the public money has been expended; from that time, the directors may compel payment from those who continue to send their scholars. This construction of the section is rendered absolutely certain by the proviso attached to that section. It is there expressly provided, that all the youth shall be admitted into such schools, *without charge*, so long as any portion of the public money is being expended therein. Whatever of doubt the first portion of this section might have thrown over this question, the proviso has cleared away, by a direct, positive, and unqualified assertion, that the school shall be free while the public money is being expended.

What then is the law? It is this: If there is not a sufficient amount to employ a teacher for such time as the directors may wish, they may employ their teacher for such length of time as they think profitable. For that portion of time paid for out of the public moneys, the school is free to all; for the balance of the time, a charge against each scholar attending may be made, and its collection enforced. No scholar, therefore, is bound to pay any thing who does not continue his attendance beyond that portion of the time paid for out of the public money. This is the reasonable construction of that section in connection with the prior legislation upon this subject.

The committee, therefore, believe that no modification of the law, in this respect, is demanded; and they recommend that the resolution be indefinitely postponed.

Mr. Goodin, from the standing committee on Schools and School Lands, to which was recommitteed House bill, No. 96, to authorize the sale of school section number sixteen, in Union township, in the county of Hancock, reported the same back and recommended its postponement until the first Monday in December next; which was agreed to.

Mr. McConnell, from the standing committee on Canals, made the following report; which was agreed to:

The standing committee on Canals, to whom was referred the memorial of Joseph Herrold, praying for damages sustained by the construction of the Hocking canal, report the same back, and recommend that the same be postponed to the first Monday in December next.

Mr. Harris, from the standing committee on Claims, to which was referred House resolution relative to the claim of Platt, & Co., and A. Backus, reported the same back without amendment, and recommended its adoption; which was agreed to.

Mr. Harris, from the same committee, to which was referred House resolution relative to the claim of Jacob Harper, reported the same back without amendment.

On motion of Mr. Spangler,

The resolution was postponed until the first Monday in December next.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill, No. 51, to authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson, reported the same back without amendment, and the bill was,

Ordered to its third reading on to-morrow.

Mr. Nash, from the same committee, to which was recommitted House bill, No. 150, to authorize the sale of school section number sixteen, in Clinton township, in the county of Lucas, reported the same back without amendment.

On motion of Mr. Clark,

The bill was laid upon the table.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which were referred the House amendments to Senate bill, No. 67, reported the same back, and recommended that they be concurred in; which was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill, No. 214, to repeal an act entitled, "an act to incorporate a company to construct a turnpike road from Columbus, to Sandusky City," passed January 31, 1826, reported the same back with sundry amendments.

The question occurring on agreeing to the following amendment of the committee, to be inserted in the bill as section two.

Fourth amendment:

Sec. 2. That George W. Sharp and Andrew H. Patterson, of Delaware county, and Edgar Gale, of Franklin county, be and they are hereby appointed commissioners, and N. Medbery, of Franklin county, surveyor, to lay out and establish a graded state road to commence at Columbus, in Franklin county, to Sandusky City, in Erie county, as near as practicable on the line of the road heretofore known as

the Columbus and Sandusky Turnpike Company, having a special regard to private, in connection with public interest; and the commissioners and surveyor aforesaid, shall be governed in all respects by the law now in force, defining the mode of laying out and establishing state roads, passed March 14, 1831, and the act amendatory thereto, passed March 20, 1841, and should either of the said commissioners or the surveyor, die, refuse to act, or become disabled, the county commissioners, where such vacancy may happen, shall fill the same as often as the same may occur.

Mr. Bartley demanded the yeas and nays; which being ordered, were—yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the amendment was agreed to.

The other amendments of the Judiciary committee were severally considered and agreed to.

Mr. Waddle moved to amend the bill by inserting the following at the close of section one:

Provided, that this act shall not divest those persons now stockholders of said company, of their title to the soil on which said road is located, or to the bridges, fixtures, or chattel property attached to said road.

On agreeing to this amendment,

Mr. Waddle demanded the yeas and nays; which being ordered, were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Robbins, Root, Sill, Stanton, Wade, Waddle and Speaker—17.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor and Walton—17.

So the amendment was disagreed to.

Mr. Godman moved that the bill be recommitted to the standing committee on the Judiciary, with the following instructions:

“To report a resolution requiring the prosecuting attorney of Franklin county to file, in the supreme court of said county, an information in the nature of a quo warranto, against said company, alleging the failure of said company to construct and keep said road in repair, according to the terms of its charter, &c.

Mr. Spangler moved a call of the Senate, which was ordered, and Messrs. Latham, Root, Sill and Thomas, found absent.

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

The question then occurring on recommitting the bill to the standing committee on the Judiciary with instructions,

Mr. Taylor called for a division of the question, and it turning on recommitting,

Mr. Godman demanded the yeas and nays, which, being ordered, were, yeas 16, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Latham, Nash, Perkins, Robbins, Root, Stanton, Wade and Waddle—16.

Nays—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Van Vorhes, Walton and Speaker—18.

So the Senate refused to recommit.

The question then recurring on ordering the bill to its third reading,

The yeas and nays were demanded, which, being ordered, were, yeas 17, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the Senate refused to order the bill to its third reading.

Mr. Hazeltine moved a call of the Senate, and, it being made, Messrs. Clark, Latham, Sill and Thomas, were found absent.

Mr. Walton moved that Messrs. Clark and Sill be excused; on which motion,

Mr. Godman demanded the yeas and nays, which, being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Foos, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Bartley, Carpenter, Crowell, Dewey, Ford, Godman, Henderson, Nash, Perkins, Root, Stanton, Van Vorhes, Wade and Waddle—15.

So the Senate agreed to excuse Messrs. Clark and Sill.

On motion of Mr. Spangler,

Further proceedings under the call were dispensed with.

Mr. Spangler, from the standing committee on Finance, to which was committed House bill No. 259, a bill making appropriations for the year 1842, reported the same back with sundry amendments; which were agreed to.

Mr. Taylor offered an additional amendment to the bill; which

On motion of Mr. Crowell,

Together with the bill, was laid on the table.

Mr. Goodin, from the standing committee on Schools and School Lands, to which was recommitted the bill (H. No. 88) to authorize the sale of school section number sixteen, in Jackson township, in the county of Hancock, reported the same back without amendment, and recommended that the bill be read the third time; which was agreed to.

Mr. Aten from the joint standing committee on Enrolment, made the following report; which was agreed to:

The joint standing committee on Enrolment have examined, compared, and found correctly enrolled, the following acts and resolution, to wit:

H. No. 11—An act to establish permanently the seat of justice of Summit county;

H. No. 193—An act to authorize the county commissioners of Williams county to lay an additional tax for road purposes,

H. No. 142—An act to amend "an act for the inspection of certain articles therein enumerated," passed March 9, 1831;

H. No. 106—An act to authorize the sale of section number sixteen, in Tymochtee township, in the county of Crawford;

S. No. 3—An act to incorporate the Eaton Medical Society;

A resolution in relation to Griffith, Standard & Co., and J. F. West's claim.

The following bills of the House were read the second time:

No. 153—A bill to incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association;

No. 218—A bill to amend an act entitled "an act to establish a free turnpike road from the south boundary of Champaign county to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 17, 1838;

Committed to the standing committee on Railroads and Turnpikes.

No. 220—A bill to incorporate the First Regular Baptist Church, of Jackson, in Jackson county;

Committed to the standing committee on Corporations.

No. 221—A bill making special appropriations in favor of Shelby, Cuyahoga and Lorain counties;

Committed to the standing committee on Schools and School Lands.

No. 222—A bill to regulate the fees of certain officers and witnesses in the county of Hamilton;

Committed to the standing committee on the Judiciary.

No. 229—A bill to provide for the management of the Public Debt, and to preserve the credit of the State;

Committed to the standing committee on the Public Debt;

No. 231—A bill to settle the claims of James Taylor, jr.;

Committed to the standing committee on Canals.

No. 234—A bill for the relief of Charles F. Berkley, William Geddes and David Eveland;

Committed to the standing committee on Claims.

No. 243—A bill to establish a free turnpike road from Lima, Allen county, to Perrysburg, in Wood county;

Committed to the standing committee on Railroads and Turnpikes.

No. 249—A bill to incorporate the town of Mount Eaton, in the county of Wayne;

Committed to the standing committee on Corporations.

No. 254—A bill to incorporate the Canaan Union Academy;

Committed to the standing committee on Corporations.

No. 264—A bill to lay out and establish a State road in the counties of Williams, Henry and Hancock;

Committed to the standing committee on Roads and Highways.

No. 268—A bill to amend an act entitled "an act to incorporate the Barnesville, Male Academy," passed March 12, 1839;

Committed to the standing committee on Corporations.

No. 266—A bill to incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church, of Mount Eaton, Wayne county, Ohio;

Committed to the standing committee on Corporations.

No. 271—A bill to amend the eighth section of an act entitled an act to provide for the internal improvement of the state of Ohio by navigable canals.

Committed to the standing committee on Canals.

No. 273—A bill to authorize the commissioners of the county of Hamilton to purchase a part of the Cincinnati and Harrison turnpike road;

Committed to the standing committee on the Judiciary.

No. 275—A bill to incorporate the German Reformed and Lutheran Church of Bethlehem, Stark county;

Committed to the standing committee on Corporations.

No. 277—A bill to authorize the sale of school section number sixteen, in Greensburg township, in the county of Putnam;

Committed to the standing committee on Schools and School Lands.

No. 294—A bill to amend the act entitled "an act to incorporate the town of Covington, in the county of Miami," passed March 3, 1834;

Committed to the standing committee on Corporations.

No. 295—A bill to repeal an act passed February 22, 1830, and an act amendatory thereto, passed February 11, 1832, to establish a board of commissioners to improve the navigation of the Killbuck Creek;

Committed to the standing committee on Canals.

No. 299—A bill to incorporate the Bath High School, of Bath, in Summit county;

Committed to the standing committee on Corporations.

No. 300—A bill to amend the act entitled "an act to punish trespassers on the public lands," passed March 31, 1837;

Committed to the standing committee on the Judiciary.

No. 262—A bill to revive the act entitled "an act to provide for the sale of section sixteen, granted by congress for the use of schools," passed January 29, 1827, so far as relates to the surrender of leases and taking of deeds for the purpose of enabling the lessees on section number sixteen, fractional township number four, second fractional range of townships in the Miami purchase, to surrender their leases and take deeds;

Committed to the standing committee on Schools and School Lands.

No. 263—A bill to repeal so much of the act entitled "an act to incorporate the Ohio Turnpike Company," passed February 11, 1832, as authorized said company to survey and locate their road from the junction of said road with the Batavia turnpike road to the city of Cincinnati, in the county of Hamilton;

Committed to the standing committee on Railroads and Turnpikes.

No. 257—A bill to authorize and enable the county commissioners of the county of Hamilton to make a graded road from the town of Carthage, in said county, to the head of Vine street, in the city of Cincinnati;

Committed to the standing committee on Roads and Highways.

No. 172—A bill to amend an act entitled "an act prescribing the duties of county treasurers," passed March 12, 1831;

Committed to the standing committee on Finance.

The following bill of the House was read the third time, to wit:

No. 280—An act to repeal the charter of the Ohio Insurance Company.

The question being on its passage the same was lost.

The following bills of the House were severally read the third time and passed:

No. 247—An act for the relief of Susannah McGrew;

No. 274—An act to lay out and establish a graded State road in the counties of Monroe, Morgan and Washington;

No. 260—An act to lay out and establish a graded State road in the counties of Washington and Monroe;

No. 5—An act to incorporate the First Free Will Baptist Society of Brunswick, Medina county;

No. 205—An act to incorporate the Lafayette University at New Carlisle, Clark county;

No. 225—An act to amend an act entitled "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841;

No. 256—An act to extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes;

No. 126—An act to incorporate the town of Jackson, in the county of Jackson;

No. 303—An act to amend an act entitled "an act to incorporate the town of Addison, in the county of Champaign," passed March 11, 1836;

No. 248—An act to incorporate the First Presbyterian Church in the town of Addison, Champaign county;

No. 211—An act to vacate Vinton street, in the town of Miamisburg, in the county of Montgomery;

No. 228—An act to repeal a part of the thirty fifth section of an act entitled "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls;

No 188—An act to incorporate the Hanover and Wellsville Railroad Company;

No. 128—An act to amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1833, and the act amendatory thereto, passed March 7, 1837;

No. 223—An act to incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit;

No. 224—An act to amend the act entitled an act to incorporate the city of Ohio;

No. 213—An act to amend an act to establish the Miami University and appointing trustees for the same;

H. No. 157—An act to lay out and establish a graded state road in the counties of Muskingum and Coshocton;

H. No. 238—An act to lay out and establish a graded state road in the counties of Holmes, Wayne, and Stark;

H. No. 215—An act to authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county;

H. No. 230—An act to amend "an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838;

H. No. 133—An act for the relief of Jacob Darner;

H. No. 192—An act for the relief of the Mayor, Recorder, and Trustees of the town of Dresden, in Muskingum county;

H. No. 147—An act to amend the act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed March 20, 1837;

H. No. 167—An act to authorize the sale of school section number sixteen in the township of Chatfield, Crawford county, and also to repeal an act entitled "an act to provide for the sale of section sixteen in township number one, in range seventeen, in Crawford county," passed March 23, 1837;

H. No. 281—An act to repeal the charter of the Farmers' Mechanics, and Manufacturers' Bank of Chillicothe;

H. No. 286—An act to repeal the charter of the Farmers' and Mechanics' Bank of Cincinnati;

H. No. 289—An act to repeal the charter of the Bank of New Lisbon;

H. No. 86—An act to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company;

H. No. 296—An act to divorce Julia J. Spencer from her husband, Daniel Spencer;

H. No. 63—An act for the relief of John Erbe, Jacob Warner, and Mark W. Babb;

H. No. 181—An act to incorporate the Ohio Conference High School, in the town of Springfield, and county of Clark;

H. No. 217—An act to amend the act entitled, "an act to amend the act entitled an act to provide for the inspection of salt," passed February 3, 1840;

On the passage of this bill,

Mr. Nash demanded the yeas and nays, which, being ordered, were, yeas 23, nays 9, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Crowell, Dewoy, Foes, Godman, Goodin, Harris, Hazeltine, Holmes, Mitchell, Nash, Perkins, Ream, Robbins, Stanton, Taylor, Van Vorhes, Waddle, Walton and Speaker—23.

Nays—Messrs. Ford, Henderson, Hostetter, Latham, Leonard, McConnell, Ritchey, Spangler and Wade—9.

So the bill passed.

H. No. 187—An act to incorporate the Phenix Fire Company in Canton, Stark county;

S. No. 165—An act to incorporate the First Regular Baptist Church and Society in Camden, Lorain county;

S. No. 168—An act to amend an act entitled, "an act to provide for the levying a tax on the capital of exchange brokers and stock jobbers, &c.," passed March 21, 1840.

The following bill was read the third time, and, on motion, recommended to a select committee of one, and Mr. Perkins appointed that committee, to wit:

H. No. 117—To amend an act entitled an act to incorporate the town of Lebanon, in the county of Warren.

On motion of Mr. Henderson, the Senate reconsidered its vote on House bill No. 280, to repeal the charter of the Ohio Insurance Company; and,

The question occurring on the passage of the bill, the same was passed.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the resolution of the Senate in relation to certain elections.

The House has receded from its disagreement to the amendments of the Senate to House bill No. 65.

Attest:

GID. M. AYRES, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House agreed to the amendments of the Senate to House bills Nos. 16 and 248.

The House has agreed to Senate amendments to House bill No. 39, with one amendment.

The House insist upon their disagreements to Senate amendments to House bill No. 56, and ask a committee of Conference.

The House has agreed to the amendments of the Senate to House resolution in relation to S. B. Stanton & Co., and others.

The House has passed the following resolutions of the Senate:

A resolution in relation to the claims of I. N. Whiting, Huntington and others;

A resolution in relation to the Ohio University.

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution in relation to the claim of Jacob Boswell.

Attest:

GID. M. AYRES, *Clerk*.

The Senate concurred in House amendment to Senate amendments to House bill No. 39.

The Senate acceded to the request of the House, and appointed Messrs. Bartley and Foss a committee of conference on the part of the Senate in reference to House bill No. 56.

The House resolution was referred to the standing committee on Finance.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills and resolutions, to which the signature of the Speaker of the Senate is requested:

House bill No. 106—To authorize the sale of section number sixteen, Tymochtee township, in the county of Crawford;

House bill No. 103—To authorize the county commissioners of Williams county to levy an additional tax for road purposes;

House bill No. 142—To amend an act for the inspection of certain articles therein named, passed March 9, 1831;

A resolution in relation to claim of Griffith, Standard & Co.;

House bill No. 246—To amend the act fixing the times of holding the courts of common pleas;

House bill, No. 16—To provide for an adjourned session of the General Assembly.

Attest:

GID. M. AYRES, *Clerk*.

The Speaker of the Senate signed the above enrolled bills.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the House have been read a third time and passed, to which the concurrence of the Senate is requested:

No. 212—To incorporate the First Presbyterian Church of New Philadelphia, Tuscarawas county;

No. 236—To incorporate the Methodist Episcopal Church in the town of Cheviot, in the county of Hamilton;

No. 267—To incorporate the First Presbyterian Church of Waynesburg, in Stark county.

The House has also passed the following resolution, to which the concurrence of the Senate is requested:

Resolution in relation to the distribution in the several counties of the Collated Statutes of the State, and for furnishing copies of the Ohio Reports to the counties of Carroll, Scioto, and Vanwert.

Attest:

GID. M. AYRES, *Clerk*.

The House resolution was referred to the standing committee on the Judiciary.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bill of the Senate, to which the signature of the Speaker of the Senate is requested:

Senate bill No. 3—To incorporate the Eaton Medical Society.

Attest:

GID. M. AYRES, *Clerk*.

The Speaker of the Senate signed the above enrolled bill.

On motion of Mr. Ritchey,

The Senate took up Senate bill No. 120, to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest and southwest and southeast quarter of school section sixteen, in the county of Perry.

The bill was then,

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Goodin,

The Senate took up House bill No. 71, to authorize the sale of school section number sixteen, in Townsend township, in the county of Sandusky.

The question occurring on ordering the bill to its third reading,

Mr. Stanton demanded the yeas and nays; which, being ordered, were, yeas 19, nays 10, as follows, to wit:

Yeas—Messrs. Atan, Bartley, Carpenter, Dewey, Foos, Godman, Goodin, Hazeltine, Hostetter, Latham, Leonard, McConnell, Ream, Ritchey, Robbins, Taylor, Van Vorhes, Walton and Speaker—19.

Nays—Messrs. Crowell, Ford, Henderson, Mitchell, Nash, Perkins, Spangler, Stanton, Wade and Waddle—10.

So the bill was

Ordered to its third reading on to-morrow.

Mr. Godman offered for adoption resolutions, relative to the Columbus and Sandusky Turnpike Company; which were referred to the standing committee on the Judiciary.

On motion of Mr. Stanton,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

FRIDAY, MARCH 4, 1842.

The Senate met pursuant to adjournment.

Mr. Walton, from the standing committee on the Judiciary, to which were referred the resolutions relative to the Columbus and Sandusky Turnpike Company, reported the same back, with amendment.

On motion,

The resolution and pending amendment were laid upon the table.

Mr. Spangler, from the standing committee on Finance, to which was recommitted House bill No. 68, authorizing the commissioners of Cuyahoga county to assess additional taxes for county purposes, reported the same back, and recommended its postponement until the first Monday in December next; which was agreed to.

Mr. Spangler, from the same committee, to which was recommitted House bill No. 172, to amend an act entitled, "an act prescribing the duties of county treasurers," passed March 12, 1831, reported the same back without amendment.

On motion of Mr. Thomas,

The bill was laid upon the table.

Mr. Mitchell, from the standing committee on Railroads and Turnpikes, to which was recommitted House bill, No. 253, to repeal so much of the act entitled, "an act to incorporate the Ohio Turnpike Company," passed February the 11th, 1832, as authorizes said company to survey and locate their road from the junction of said road with the Batavia Turnpike, to the city of Cincinnati, in the county of Hamilton, reported the same back without amendment; and the bill was

Ordered to its third reading on to-morrow.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted Senate bill No. 124, together with House amendments thereto, reported the same back; and recommended that the amendments be concurred in; which was agreed to.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which were recommitted the following bills, reported the same back without amendment; and they were

Ordered to their third reading on to-morrow.

H. No. 218; A bill to amend an act entitled, "an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 17, 1838;

H. No. 243; A bill to establish a free turnpike road from Lima, Allen county, to Perrysburg, in Wood county;

Mr. Harris, from the standing committee on Claims, to which was referred House resolution in relation to a claim of Gideon M. Ayres, reported the same back and recommended its passage.

The Senate disagreed to the recommendation of the committee.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill No. 131, making special provisions for the sale of school section twenty-nine, in Sycamore township, in the county of Hamilton, reported the same back with sundry amendments; which were agreed to, and the bill,

Ordered to its third reading on to-morrow.

Mr. Nash, from the same committee, to which was recommitted Senate bill No. 19, to encourage and regulate the establishment of school district libraries, reported the same back, and recommended its postponement until first Monday in December next; which was agreed to.

Mr. Nash, from the same committee, to which was recommitted House bill No. 95, to authorize the sale of school section number sixteen, in Union township, in the county of Putnam, reported the same back without amendment.

On motion of Mr. Clark,

The bill was laid upon the table.

Mr. McConnell, from the standing committee on Canals, to which was referred the bill (H. No. 295) to repeal an act passed February 22, 1830, and an act amendatory thereto, passed February 11, 1832, to establish a board of commissioners to improve the navigation of Killbuck creek, reported the same back without amendment, and recommended its third reading; which was agreed to.

Mr. Waddle, from the standing committee on Roads and Highways, to which was referred the bill (H. No. 264) to lay out and establish a state road in the counties of Williams, Henry and Hancock, reported the same back without amendment, and recommended its third reading; which was agreed to.

Mr. Godman, from the standing committee on Canals, to which was referred the bill (H. No. 271) to amend the 8th section of an act entitled, "an act to provide for the internal improvement of the state of Ohio, by navigable canals, reported the same back without amendment.

On motion,

The bill was postponed until the first Monday in December next.

Mr. Harris, from the standing committee on Claims, to which was referred the bill (H. No. 234) for the relief of Charles F. Berkly, William Geddes and David Eveland, reported the same back without amendment, asked to be discharged from the further consideration thereof, and that the same be referred to the standing committee on Canals; which was agreed to.

Mr. Clark, from the joint standing committee on Enrolment, made the following report; which was agreed to:

The joint standing committee on Enrolment, have examined the following Senate bills and resolutions, and find them to be correct, to wit:

S. No. 71—An act to incorporate the St. Xavier Collégé;

- S. No. 21—An act to incorporate the Jackson Mill Company;
- S. No. 105—An act to authorize the auditor of the county of Athens to transcribe certain records, and to make the same proper evidence.
- S. No. 28—An act to revise the third section of the act entitled, "an act to amend the act entitled, an act to regulate the fees of officers, in civil and criminal cases;"
- S. No. 45—An act to authorize the sale of the public square in the town of Jacksonville, in the county of Adams, for the purpose therein named;
- S. No. 80—An act to lay out and establish a graded state road, in the counties of Morgan and Muskingum;
- S. No. 9—An act to incorporate the Seneca Railroad Company;
- S. No. 121—An act to authorize the sale of the old meeting house belonging to the Methodist Episcopal Church in the town of Eaton, Preble county, Ohio.
- S. No. 119—An act to incorporate Pine Grove Academy, in the town of Porter, in the county of Gallia;
- S. No. 135—An act to incorporate the Orwell Library and Reading Society of the township of Orwell, Ashtabula county;
- S. No. 91—An act to extend the time for the appraisal of school section sixteen, in Royalton township, Lucas county;
- S. No. 74—An act to lay out and establish a state road in the counties of Williams and Lucas;
- Resolution in relation to G. Nelson Cumming;
- Resolution in relation to joint standing committee on Enrolment;
- Resolution appointing Director for the Ohio Lunatic Asylum.

Mr. Clark, from the same committee, made the following report; which was agreed to:

The joint standing committee on Enrolment have examined the following House bills, and found them correct:

- H. No. 16—An act to authorize the sale of school section number sixteen, in Harris township, in the county of Ottawa;
- H. No. 246—An act to amend the act fixing the times of holding the courts of common pleas.

Mr. Holmes, from the standing committee on Corporations, to which was recommitment the following bills, reported the same back without amendment, and the bills were

Ordered to their third reading on to-morrow.

H. No. 268—A bill to amend an act entitled, "an act to incorporate the Barnesville Male Academy," passed March 12, 1839.

H. No. 266—A bill to incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church, of Mount Eaton, Wayne county, Ohio.

H. No. 294—A bill to amend the act entitled, "an act to incorporate the town of Covington, in the county of Miami," passed March 3, 1834

H. No. 275—A bill to incorporate the German Reformed and Lutheran Church of Bethlehem, in Stark county.

H. No. 220—A bill to incorporate the First Regular Baptist Church of Jackson, in Jackson county.

H. No. 249—A bill to incorporate the town of Mt. Eaton, in the county of Wayne.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted so much of the unfinished business of last session as relates to a bill for the relief of Jonathan Caywood and Walter Athy, reported the same back, and recommended its postponement until the first Monday in December next, which was agreed to.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted the bill, H. No. 92, making special provisions for the sale of section twenty nine, in Mill Creek township, Hamilton county, reported the same back with sundry amendments, which were agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the standing committee on Corporations, to which was committed the bill, H. No. 153, to incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association, reported the same back with one amendment, which was agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. Holmes, from the same committee, to which was committed the bill, H. No. 299, to incorporate the Bath High School, of Bath, in the county of Summit, reported the same back with one amendment, which was agreed to, and the bill

Ordered to its third reading on to-morrow.

Mr. McConnell, from the standing committee on Canals, to which the petitions on the subject were referred, made the following report, which was agreed to:

The standing committee on Canals, to whom was referred the petition of citizens of Chillicothe, praying a change in the termination of the Ohio canal, at Portsmouth, report the same back, and recommend that the petitioners have leave to withdraw their petition.

Mr. Perkins, from the select committee to which was recommitted the bill, H. No. 117, to amend an act entitled, "an act to incorporate the town of Lebanon, in the county of Warren," reported the same back with sundry amendments, which were agreed to, and the bill then passed.

Mr. Harris, from the standing committee on Claims, to which the petitions of Ephraim Cutler were referred, reported the same back, and recommended that the same be postponed until the first Monday in December next, which was agreed to.

Mr. Harris, from the same committee, to which was referred the petitions and other papers of John McCoy, reported the same back

and recommended the postponement of the subject until the first Monday in December next, which was agreed to.

Mr. Harris, from the same committee, to which was referred the claim of John Panebaker, reported the same back and recommended that the same be postponed until the first Monday in December next.

On motion of Mr. Spangler,

The subject was laid on the table.

Mr. Harris, from the same committee, to which was referred the petition and accompanying papers of John M. Gillespie, reported the same back, and recommended the postponement of the subject until the first Monday in December next, which was agreed to.

Mr. Carpenter, from the select committee, to which was referred the petitions of 1044 women of the counties of Richland, Muron, Lorrain, Portage and Licking, praying for enactments to suppress adultery, seduction and the keeping of houses of ill fame, reported the same back, and asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petitions.

The following bills were read the second time, and committed to the standing committee on Corporations:

H. No. 267—A bill to incorporate the First Presbyterian Church of Waynesburg, in Stark county;

H. No. 212—A bill to incorporate the First Presbyterian Church of New Philadelphia, Tuscarawas county;

H. No. 236—A bill to incorporate the Methodist Episcopal Church in the town of Cheviot, in the county of Hamilton.

On motion of Mr. Taylor,

The Senate took up H. bill, No. 259, making appropriations for the year 1842.

The question occurring on agreeing to the following amendments to the bill, offered by Mr. Taylor, to wit:

Sec. That from and after the first day of April, 1842, the Board of Public Works shall consist of three acting members only.

Sec. The office of President of the Board of Public Works is hereby abolished, and from and after the said first day of April, 1842; the Board of Public Works shall consist of the following persons, only: William Spencer, who shall hold his office for the term of four years from the first day of April next; Rodolphus Dickinson, who shall hold his office for the term of four years from the first day of April next; and Leander Ransom, who shall hold his office for the remainder of the term for which he was heretofore elected.

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

On motion of Mr. Spangler,

The bill was recommitted to the standing committee on Finance.

The following bills were read the third time and passed:

H. No. 51—An act to authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson;

H. No. 71—An act to authorize the sale of school section number sixteen, in Townsend township, in the county of Sandusky;

H. No. 88—An act to authorize the sale of school section number sixteen, in Jackson township, in the county of Hancock.

The following bill was read the third time and passed:

S. No. 120—An act to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest, southwest and southeast quarters of school section sixteen in said township, in the county of Perry.

Mr. Wade moved that the Senate take up H. bill, No. 165, for the relief of the Willoughby University of Lake Erie; on which motion,

Mr. Bartley demanded the yeas and nays, and they being ordered, were, yeas 19, nays 16, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Nash, Perkins, Robbins, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—19.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Stanton and Walton—16.

So the bill was taken up.

The question then occurring on ordering the bill to its third reading, the yeas and nays were demanded, and being ordered, were yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Harris, Henderson, Holmes, Nash, Perkins, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

Nays—Messrs.—Aten, Bartley, Dewey, Goodin, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor and Walton—17.

So the bill was

Ordered to be read the third time.

On motion of Mr. Hostetter,

The Senate took up House resolution in relation to appointing trustees for the Asylum of the Deaf and Dumb.

The question occurring on its adoption,

Mr. Holmes demanded the yeas and nays, which, being ordered, were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Godman, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, Ream, Ritchey, Robbins, Spangler, Taylor, Waddle, Walton and Speaker—20.

Nays—Messrs. Barnett, Crowell, Dewey, Ford, Foos, Henderson, Nash, Perkins, Root, Sill, Stanton, Van Vorhes and Wade—13.

So the resolution was adopted.

Mr. Barnett moved that the Senate reconsider its vote on House resolution in relation to the claim of Gideon M. Ayres.

The yeas and nays being demanded, they were ordered, and were, yeas 18, nays 16, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—18. *

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Foos, Godman, Leonard, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—16.

The question then occurring on agreeing to the resolution,

Mr. Holmes demanded the yeas and nays, which, being ordered, were, yeas 16, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—16.

Nays—Messrs. Aten, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Latham, Nash, Perkins, Robbins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

So the resolution was disagreed to.

On motion of Mr. Ford,

The committee of the whole Senate was discharged from the further consideration of Senate bill, No. 166, making provision for the sale of lands and town lots for taxes, in Lucas county.

On motion of Mr. Nash, it was

Resolved, by the Senate and House of Representatives, That two hundred extra copies of the catalogue of geological specimens, be printed for the use of the governor, and to be by him distributed as he shall deem proper.

On motion,

The Senate took up the following bills, the further consideration of which was postponed until the first Monday in December, 1842:

S. No. 132—A bill to extend to the county of Geauga a part of the provisions of an act to provide for the collection and payment of costs in prosecutions for minor offences, in the county of Cuyahoga, passed March 20, 1841;

S. No. 126—A bill to amend the act entitled, "an act to organize the judicial courts," passed February 7, 1831;

S. No. 129—A bill in addition to an act to provide for the sale of lands granted by Congress for the use of schools within the Virginia Military District, and to authorize the lessees of said lands to surrender their leases, and receive certificates of purchase.

S. No. 17. A bill creating the office of township collector, and defining his duties;

S. No. 18. A bill further to amend the several acts establishing the Miami University;

S. No. 92. A bill further to amend an act entitled, "an act to establish an asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject," passed March 3, 1831;

S. No. 146. A bill to repeal the act entitled, "an act to incorporate the Oberlin Collegiate Institute," passed February 2, 1834;

H. No. 172. A bill to amend an act entitled, "an act prescribing the duties of county treasurers," passed March 12, 1831;

S. No. 123. A bill further to amend the act entitled, "an act regulating judgments and executions."

The following resolution of the House was taken up:

Resolved, That a joint select committee of ten members on the part of the House, and members on the part of the Senate, be appointed to take into consideration the propriety and expediency of calling a convention to amend the constitution of this state, so far as relates to the organization of the judiciary department, and to report by bill or otherwise.

It was moved that the resolution be postponed until the first Monday in December next; on which motion,

Mr. Mitchell demanded the yeas and nays; which being ordered, were, yeas 4, nays 28, as follows, to wit:

Yeas—Messrs. Aen, Henderson, Hostetter and Stanton—4.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Holmes, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Sill, Spangler, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—28.

So the Senate refused to postpone until the first Monday in December next.

The resolution was then indefinitely postponed.

On motion,

The Senate took up the following bills; which were,

Ordered to their third reading on to-morrow:

H. No. 110. A bill to lay out and establish a graded state road in the counties of Monroe and Washington;

H. No. 6. A bill to authorize the sale of school section, No. 16, in Madison township, in the county of Sandusky;

H. No. 150. A bill to authorize the sale of school section, No. 16, in Clinton township, in the county of Lucas;

H. No. 57. A bill to amend the act entitled, "an act further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, and to repeal certain acts and parts of acts therein named," passed March 23, 1840;

H. No. 95. A bill to authorize the sale of school section, No. 16, in Union township, in the county of Putnam;

H. No. 138. A bill to incorporate Columbia Lodge, No. 44, of Free and Accepted Masons, in the town of Miami, in the county of Hamilton.

On ordering House bill, No. 138, to its third reading,

Mr. Stanton demanded the yeas and nays; which, being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Clark, Godman, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, McConnell, Ritchey, Spangler, Van Vorhes, Waddle, Walton and Speaker—17.

Nays—Messrs. Bartley, Carpenter, Crowell, Dewey, Ford, Foos, Goodin, Leonard, Nash, Perkins, Robbins, Stanton, Taylor, Thomas and Wade—15.

So the bill was,

Ordered to its third reading on to-morrow.

The Senate took up House preamble and resolution relative to certain Indian reservations by the Ottawa tribe of Indians, and sale of said lands, and the same were referred to the standing committee on Public Lands.

The Senate took up Senate bill, No. 128, to revive the act to incorporate the Columbus, Delaware, Marion and Upper Sandusky Railroad Company, passed February 29, 1836, and the same was indefinitely postponed.

The following resolutions were taken up and indefinitely postponed: Resolution for printing the acts fixing the times of holding the supreme court and common pleas;

Resolution relative to the adjournment and meeting of the Senate;

Resolution relative to William Clark, late a convict in the penitentiary;

Resolution relative to the termination of the Ohio canal.

The following bills were taken up, and,

Ordered to be engrossed for their third reading on to-morrow:

S. No. 127. A bill to authorize the sale of school section, No. 16, in Brady township, Williams county;

S. No. 20. A bill to authorize the sale of school section, No. 16, in Chesterfield township, in the county of Lucas.

On ordering this bill to be engrossed,

The yeas and nays were demanded, and being ordered, were, yeas 23, nays 10, as follows, to wit:.

Yeas—Messrs. Aten, Bartley, Carpenter, Clark, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, McConnell, Ream, Ritchey, Robbins, Taylor, Van Vorhes, Wade, Waddle, Walton and Speaker—23.

Nays—Messrs. Crowell, Dewey, Ford, Foos, Mitchell, Nash, Perkins, Sill, Spangler and Stanton—10.

So the bill was,

Ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Holmes,

The Senate reconsidered its vote on the passage of House bill, No. 280, to repeal the charter of the Ohio Insurance Company.

The bill was then recommitted to a select committee of one, and Mr. Holmes appointed that committee.

Mr. Clark, from the joint standing committee on Enrolment, made the following report:

The joint select committee on Enrolment have deposited the following enrolled acts and resolutions in the office of the Secretary of State, and received his receipt therefor, to wit:

H. No. 70. An act to incorporate the First Presbyterian Church of Liberty township, in Delaware county;

H. No. 162. An act to divorce Esther A. Creain, from her husband, Andrew L. Creain;

H. No. 11. An act to establish permanently the seat of justice of Summit county;

H. No. 184. An act to authorize the commissioners of Henry county to borrow money;

H. No. 149. An act to legalize and confirm the action of the commissioners of Montgomery county, in relation to certain township taxes;

H. No. 145. An act to amend the act entitled, "an act for the punishment of crimes," passed March 7, 1835;

H. No. 27. An act to incorporate the trustees of the Central College of Ohio;

H. No. 84. An act to provide for the revaluation of section twenty nine, in Union township, Butler county;

Resolution in relation to Evans Bentley;

Resolution in relation to the reception of Charles B. Kennedy, into the blind asylum.

Mr. Aten, from the joint standing committee on Enrolment, made the following report;

The joint standing committee on Enrolment, have examined, compared, and found correctly enrolled, the following acts and resolutions, to wit:

S. No. 70. An act to authorize the executor of the estate of Robert McConnell, to convey certain lots in the town of McConnellsville, and for other purposes;

S. No. 85. An act to incorporate the town of Bouruville;

S. No. 89. An act to lay out and establish a state road in the counties of Fayette, Madison, Pickaway and Franklin;

S. No. 98. An act to incorporate Engine Company, No. 1, of Youngstown, in the county of Trumbull;

S. No. 24. An act to provide for the election of directors of the poor;

S. No. 72. An act to incorporate the town of Jamestown, in the county of Greene;

S. No. 117. An act to incorporate the town of Dover, in the county of Tuscarawas;

S. No. 110. An act to authorize the Portsmouth and Columbus Turnpike Company, to build a toll bridge across the Scioto river, at Piketon;

H. No. 65. An act to lay out and establish a state road in the counties of Holmes, Knox and Marion.

Resolution in relation to the claims of S. B. Stanton & Co., Z. Mills, A. Hardy, M'Coy, Work & M'Coy, and others.

On motion of Mr. Spangler,

Mr. Crowell was granted leave of absence for the remainder of the present session.

Mr. Stanton moved to take up the resolutions offered by Mr. Hazeltine in relation to a tariff;

And on his motion, demanded the yeas and nays; which being ordered, were, yeas 17, nays 18, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

Nays—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

So the Senate refused to take up the resolutions.

Mr. Latham moved that the Senate reconsider its vote on House resolution, relative to the claim of Gideon M. Ayres; on which motion,

The yeas and nays were demanded; which being ordered, were, yeas 17, nays 18, as follows; to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor and Walton—17.

Nays—Messrs. Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Leonard, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

So the Senate refused to reconsider its vote.

The following bill was read the third time and passed:

S. No. 166. An act making provision for the sale of lands and town lots, for taxes, in Lucas county.

Ordered, That the title be as aforesaid, and that the House be informed thereof.

On motion of Mr. Godman,

The Senate took up the resolution offered by Mr. Godman, in reference to the Columbus and Sandusky Turnpike Company, together with the amendments thereto, reported by the Judiciary committee.

The resolutions, as offered by Mr. Godman, read as follows:

Resolved, by the General Assembly of the State of Ohio, That the prosecuting attorney of the county of Franklin, be and is hereby di-

rected and required, on or before the first day of May next; to file, in the supreme court of said county, an information, in the nature of a quo warranto, against the Columbus and Sandusky Turnpike Company, alleging—1st, that said company has forfeited its charter, by not having constructed the Columbus and Sandusky Turnpike road of the materials required by their charter; secondly, in not having constructed said road of the width, with the grade, nor in the manner required by the terms of their said charter; thirdly, by not having kept said road in repair, as required by their charter to do; fourthly, by keeping up their gates, and charging tolls on said road after the same had been found to be out of good repair, in the manner prescribed by the eleventh section of the act incorporating said company, and before putting the same in repair, as required by said eleventh section of said act, with such other allegations and charges as may be proper in the case.

Resolved, That the Secretary of State furnish the prosecuting attorney of said county of Franklin with a certified copy of the foregoing resolution, within twenty days from the rising of this General Assembly.

Mr. Taylor moved that the resolution and pending amendments be indefinitely postponed, and, on his motion, demanded the yeas and nays, which, being ordered, were, yeas 12, nays 20, as follows, to wit:

Yeas—Messrs. Bartley, Crowell, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, Ream, Ritchey and Taylor—12.

Nays—Messrs. Barnett, Carpenter, Dewey, Ford, Foos, Godman, Henderson, Leonard, McConnell, Nash, Perkins, Robbins, Spangler, Stanton, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—20.

So the Senate refused to indefinitely postpone.

The question occurring on agreeing to the following amendment offered by the Judiciary committee, to come in at the close of the first resolution, which is as follows:

And in the mean-time, from the filing of said information to the determination of the cause in said court, said company shall open the gates on said road, and let all travelers pass free of any charge or toll for traveling the same; and in case said company shall neglect or refuse to open said gates, and let all travelers pass as aforesaid, it shall be the duty of said attorney to file an injunction bill against said company, containing the proper statements and charges, praying said court to stay all collection of tolls on said road, until the final determination of the suit and proceedings in said information as aforesaid, which injunction shall be allowed by said court.

Mr. Walton demanded the yeas and nays, which, being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Bartley, Goodin, Harris, Hazeltine, Holmes, Hos-

tetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the amendment was agreed to.

The question then occurring on agreeing to the resolution as amended,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 18, nays 15, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Dewey, Ford, Foss, Godman, Harris, Henderson, Leonard, McConnell, Nash, Perkins, Robbins, Stanton, Thomas, Van Vorhes, Wade and Waddle—18.

Nays—Messrs. Aten, Bartley, Crowell, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—15.

So the resolution was agreed to.

Mr. Taylor moved that the Senate reconsider its vote on House bill No. 214, to repeal an act entitled, "an act to incorporate a company to construct a turnpike road from Columbus to Sandusky City," passed January 31, 1826.

Mr. Nash demanded the yeas and nays, which, being ordered, were, yeas 16, nays 19, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor and Walton—16.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Latham, Nash, Perkins, Robbins, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—19.

So the Senate refused to reconsider.

Mr. Crowell, on leave, presented the proceedings of a meeting of the Youngstown Anti Slavery Society, held February 21, 1842; which were laid upon the table.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred House resolution in relation to the distribution in the several counties of the Collated Statutes of the State, and for furnishing copies of the Ohio Reports to the counties of Carroll, Scioto, and Vanwert, reported the same back, and recommended its adoption; which was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The hall of the House is now prepared to receive Senators, to go into certain elections.

Attest:

GID. M. AYRES, Clerk.

On motion of Mr. Walton,

The members of the Senate, preceded by their Speaker and Clerk, proceeded, in pursuance to a joint resolution previously adopted for that purpose, to the hall of the House of Representatives, and being seated within the bar of the House, the two houses proceeded to ballot for one Judge of the supreme court of Ohio.

The following was the result of the first balloting:

For Nathaniel C. Read,	52 votes.
" Joseph H. Crane,	48 "
" Blanks,	6 "

There being no choice, the two houses again proceeded, as aforesaid, to ballot the second time, when

The following was the result of the balloting:

For Nathaniel C. Read,	52 votes.
" Joseph H. Crane,	50 "
" Blanks,	4 "

There being no choice, the two houses again proceeded, as aforesaid, to ballot the third time, when

The following was the result of the balloting:

For Nathaniel C. Read,	52 votes.
" Joseph H. Crane,	51 "
" Blanks,	3 "

Mr. Spangler then moved that the members of the Senate repair to the Senate chamber.

On which motion, Mr. Nash demanded the yeas and nays, and they being ordered, were, yeas 19, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Robbins, Root, Spangler, Taylor, Walton and Speaker—19.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Leonard, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—17.

So the members of the Senate repaired to the Senate chamber.

Mr. Spangler, from the standing committee on Finance, to which was recommitment the bill (House No. 259,) making appropriations for the year 1842, reported the same back, and the question occurring on the passage thereof,

The yeas and nays were demanded, and being ordered, were, yeas 20, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—20.

Nays—Messrs. Carpenter, Crowell, Dewey, Ford, Foss, Godman, Henderson, Nash, Perkins, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the bill passed.

Mr. Bartley, from the standing committee on the Judiciary, to which was recommitted House bill No. 135, to amend the act entitled "an act in relation to incorporated religious societies," passed March 5, 1836, reported the same back without amendment.

The question occurring on ordering the bill to its third reading; The Senate refused so to order.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No. 236, to incorporate the Methodist Episcopal Church, in the town of Cheviot; in the county of Hamilton, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Stanton, from the standing committee on Public Lands, to which was recommitted House bill No. 232, to authorize the Governor to make a deed of certain land to Nicholas Herron, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Walton, from the standing committee on the Judiciary, to which was recommitted House bill No. 273, to authorize the commissioners of the county of Hamilton, to purchase a part of the Cincinnati and Harrison Turnpike Road, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill No. 221, making special appropriations in favor of Shelby, Cuyahoga, and Lorain counties, reported the same back without amendment, and the bill was

Ordered to its third reading forthwith, which being done, the bill passed.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No. 267, to incorporate the First Presbyterian Church of Waynesburg, in Stark county, reported the same back without amendment, and the bill was

Ordered to its third reading on to-morrow.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill No. 262, to revive the act entitled "an act to provide for the sale of section sixteen, granted by Congress for the use of schools," passed January 9, 1827, so far as relates to the surrender of leases and taking of deeds, for the purpose of enabling the lessees on section, number sixteen, fractional township, number four, second fractional range of townships, in the Miami purchase, to surrender their leases and take deeds, reported the same back with amendments; which were agreed to, and the bill

Ordered to its third reading forthwith, which being done, the bill passed.

Mr. Waddle, from the standing committee on Roads and Highways, to which was recommitted House bill No. 257, to authorize and enable the county commissioners of the county of Hamilton, to make a graded road from the town of Carthage, in said county, to the head of Vine street, in the city of Cincinnati, reported the same back with sundry amendments; which were agreed to, and the bill

Ordered to its third reading, which being done, the bill passed.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted House bill No. 212, to incorporate the First Presbyterian Church of New Philadelphia, Tuscarawas county, reported the same back without amendment, and the bill was then read a third time and passed.

Mr. Holmes, from the same committee, to which was recommitted House bill No. 254, to incorporate the Canaan Union Academy, reported the same back with sundry amendments; which were agreed to, and the bill was then read a third time and passed.

Mr. Holmes, on leave, presented the annual report of the President of the Cincinnati, Montgomery, Hopkinsville, Rochester, and Clarksville Turnpike Company; which was

Laid on the table.

Mr. Holmes, on leave, presented the memorial of the President of the Cincinnati, Montgomery, Hopkinsville, Rochester, and Clarksville Turnpike Company, asking the State to continue its aid, to assist in completing thirteen miles already graded; of said road; which was

Referred to the standing committee on Railroads and Turnpikes.

On motion of Mr. Henderson,

The Senate adjourned.

Attest:

THOMAS J. MORGAN, *Clerk*.

SATURDAY, MARCH 5, 1842.

The Senate met pursuant to adjournment.

Mr. Ford, from the standing committee on Railroads and Turnpikes, to which was referred the petition of the President of the Cincinnati, Montgomery, Rochester, and Clarksville Turnpike Company, asking the further aid of the State, reported the same back, asked leave to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition.

Mr. McConnell, from the standing committee on Canals, made the following reports; which were agreed to:

The standing committee on Canals, to whom was referred the memorial of John Burwell, praying relief for injury sustained by him in the construction of the Muskingum Improvement, report the same back, and recommend that the same be postponed to the first Monday of December next;

The standing committee on Canals, to whom was referred the petition of F. A. Worthington and A. McCann, praying that the State may construct a feeder, to the Hocking Canal, near the Falls of Hocking, report the same back, and recommend that the same be postponed to the first Monday in December next;

The standing committee on Canals, to whom was referred the petition of the citizens of Hardin county, praying that the Central Canal may be adopted as one of the public works of the State, report the same back, and recommend that the petitioners have leave to withdraw their petition;

The standing committee on Canals, to whom was referred the petition, of citizens of Liberty township, Trumbull county, praying the passage of a law compelling the Pennsylvania and Ohio Canal Company to construct bridges over said canal, report the same back, and recommend that the petitioners have leave to withdraw their petition.

Mr. Nash, from the standing committee on Schools and School Lands, to which was referred sundry petitions, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petitions; which was agreed to:

A petition from Emanuel France, and 160 citizens of Pike township, Perry county, asking a reappraisement of the south quarter of section sixteen, in said township;

A petition from citizens of Ross county, praying an amendment of the school law relative to the compensation of township treasurers;

A petition from citizens of Columbiana county, asking that school teachers shall, in addition to present qualifications, be examined in English Grammar and Geography, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petitions; which was agreed to.

Mr. Godman, from the standing committee on Canals, to which was referred the petition and accompanying papers of Isaac Dillon, praying a grant of water power at the mouth of Licking creek, reported the same back, asked leave to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition.

Mr. Spangler, from the standing committee on Finance, to which was recommitted the bill (H. No. 81,) to appropriate a part of the literary fund to the Monroe Academy, reported the same back, with

a recommendation that the same be postponed until the first Monday in December next; which was agreed to.

Mr. Sill, from the standing committee on Enrolment, made the following report:

The joint standing committee, on Enrolment, report that they have examined and found duly enrolled the following acts and resolutions, to wit:

S. No. 67; An act to regulate the mode of collecting debts against turnpike companies, in which the state is a stockholder;

H. No. 147; An act to amend the act entitled, an act prescribing the duties of supervisors, and relating to roads and highways, passed March 20, 1837;

H. No. 167; An act to authorize the sale of school section number sixteen, in the township of Chatfield, Crawford county, and also to repeal an act entitled, an act to provide for the sale of section sixteen in township number one, in range seventeen, in Crawford county, passed March 23, 1837;

H. No. 192; An act for the relief of the mayor, recorder, and trustees of the town of Dresden, in Muskingum county;

H. No. 217; An act to amend the act entitled, an act to provide for the inspection of salt, passed February 3, 1840;

H. No. 248; An act to incorporate the First Presbyterian Church in the town of Addison, Champaign county;

H. No. 289; An act to repeal the charter of the Bank of New Lisbon;

H. No. 296; An act to divorce Julia J. Spencer from her husband Daniel Spencer;

H. No. 303, An act to amend the act entitled, an act to incorporate the town of Addison, in the county of Champaign, passed March 11, 1836;

Resolution in relation to the Ohio University lands.

Resolution relative to the Milan Canal Company.

Resolution relative to the Goshen, Wilmington and Columbus Turnpike Company.

Mr. McConnell, from the standing committee on Canals, to which was referred the petition praying the legislature to require all collectors on the Ohio canals, not to grant or indorse clearances on the Sabbath, to any boat running on the same, made the following report; which was agreed to:

The standing committee on Canals, to whom was committed the petition of 66 citizens of Ohio, praying that the legislature will require all collectors on the Ohio canals, not to grant or indorse clearance on the Sabbath, to any boat running on the same, have had the same under consideration and report:

That the representation of said petitioners is undoubtedly true, that the crime of Sabbath breaking, upon our canals, rivers and lakes, is alarmingly frequent.

They also fully agree with the petitioners that a due observance of the Sabbath, both as a civil and religious institution, is essential to the best interests of our country; and, therefore, that it should be secured by suitable legislative enactments.

They also concur with the petitioners in the opinion that the evils complained of by them, are violations of existing laws of this state.

But the committee are also of opinion, that the act for the prevention of certain immoral practices, passed February 17, 1831, which forbids "common labor" upon the Sabbath, as certainly prohibits the agents of the state from "granting and indorsing clearances to boats," on the Sabbath, as could any special enactments of this General Assembly; and that no further action of the legislature is necessary to secure the very laudable design of the petitioners.

Your committee, therefore, ask to be discharged from the further consideration of the subject, and recommend that the petitioners have leave to withdraw their petition.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted House bill, No. 169, to provide for the sale of the residue of section twenty six, in Columbia township, in Meigs county, reported the same back without amendment, and the bill was,

Ordered to its third reading on this day.

Mr. Sill, from the select committee to which was referred the memorial of the committee of the Western Literary Institute, and College of Teachers, made the following report, which was agreed to:

The select committee to whom was referred the memorial of a committee of the Western Literary Institute, and College of Teachers, have had the same under consideration and report:

That they have been fully impressed with the importance of the subject urged upon your attention by the memorialists, and with its claims for legislative encouragement and aid; and they believe that all those, who peruse this memorial, and who believe as do your committee, that every contribution to the cause of science is a contribution to the advancement of the best interests of society, and to the sum of human happiness, will concur in the opinion of your committee, that at the earliest period, when the same is practicable, the desired aid of the state should be given.

But considering the present embarrassed condition of our finances, your committee have felt compelled, though very reluctantly, to withhold a recommendation of the desired appropriation at this present session of the General Assembly.

And they, therefore, recommend that the memorial be postponed until the first Monday of December next.

Mr. Taylor, from the majority of the standing committee on the Currency, to which was referred sundry petitions praying the establishment of a state bank, made the following report:

A majority of the standing committee on Currency, to which was referred sundry petitions praying the establishment of a state bank, submit the following report:

Any person in the least acquainted with the financial condition of the state, must be aware of the utter impracticability of establishing such an institution under existing circumstances. Leaving out of view the question of expediency or policy, let us look at a few facts; for one fact is often sufficient to put to flight a whole fleet of theories.

Suppose then, a law were enacted for the establishment of a state bank, with a capital of one million of dollars, and the state were to take one half of the stock, we would then be forced into market with five hundred thousand dollars of state stocks, to raise means to put the bank into operation. Our stocks are now at discount of thirty two per centum, or in other words, we would lose on every hundred dollars of stock sold, thirty two dollars, which, on five hundred thousand dollars, would be a dead loss to the state of one hundred and sixty thousand dollars. But in addition to this, the state would have to pay at least six per centum interest on the full sum of five hundred thousand dollars, while she would receive in money only the sum of three hundred and forty thousand dollars. Nor is this all, the state would be bound to redeem, ultimately, the full sum of five hundred thousand dollars. Any profits which the state might realize from banking, (and such profits in ordinary banking, are no doubt considerable,) would be insufficient to justify such a sacrifice as this.

Your committee beg leave to refer to the fact, that the state is now unable to procure funds to prosecute her public works; nay, she cannot procure means to pay the debts due the contractors and laborers on her public works; how, then, is she to borrow money to turn banker? If the state sacrifices her stocks at all, the first obligation is due to those contractors and laborers upon the public works; a claim of higher import than any consideration in reference to a state bank.

Your committee deem the establishment of such an institution utterly impracticable, and ask to be discharged from the further consideration of the subject.

On motion,

The report was laid upon the table and the printing dispensed with.

Mr. Nash, from the standing committee on Schools and School Lands, to which was committed the bill, House, No. 277, to authorize the sale of school section, No. 16, in Greensburg township, in the county of Putnam, reported the same back without amendment.

37—S. J.

On motion,

The bill was laid on the table.

Mr. Bartley, from the joint select committee of conference, appointed on the matter of difference between the two houses, on House bill, No. 56, made the following report; which was agreed to:

The committee of conference appointed on the matter of difference between the two houses, on House bill, No. 56, have conferred together and report:

The committee have agreed, and recommend, that the House recede from its disagreement to the second amendment of the Senate; and,

That the Senate recede from their third amendment, and that in lieu of the same, that the following amendment be agreed to in the 8th section, to wit:

In line two, strike out these words, "county treasurers, county auditors;" and after the word, "officers," in the fifth line, strike out the words, "or on the information of a competent witness within the limits of their respective counties."

And the committee also recommend that the Senate recede from their fourth amendment.

The following bills of the House were read the third time and passed:

No. 169. An act to provide for the sale of residue of section 26, in Columbia township, in Meigs county;

No. 273. An act to authorize the commissioners of the county of Hamilton, to purchase a part of the Cincinnati and Harrison turnpike road;

No. 232. An act to authorize the Governor to make a deed of certain land to Nicholas Herron;

No. 236. An act to incorporate the Methodist Episcopal Church, in the town of Cheviot, in the county of Hamilton;

No. 150. An act to authorize the sale of school section, No. 16, in Clinton township, in the county of Lucas;

No. 6. An act to authorize the sale of school section, No. 16, in Madison township, in the county of Sandusky;

No. 116. An act to lay out and establish a graded state road in the counties of Monroe and Washington;

No. 95. An act to authorize the sale of school section, No. 16, in Union township, in the county of Putnam;

No. 153; An act to incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association;

No. 57. An act to amend an act entitled, "an act further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, and to repeal certain acts and parts of acts therein named," passed March 23, 1840.

The following bills of the Senate were read the third time and passed:

No. 127. An act to authorize the sale of school section, No. 16, in Brady township, Williams county;

No. 20. An act to authorize the sale of school section, No. 16, in Chesterfield township, in the county of Lucas.

The following bills of the House were read the third time and passed:

No. 264. An act to lay out and establish a state road in the counties of Williams, Henry and Hancock;

No. 295. An act to repeal sundry acts of the General Assembly, for the improvement of the navigation of the Killbuck creek;

No. 268. An act to amend an act entitled, "an act to incorporate the Barnesville Male Academy," passed March 12, 1839;

No. 243. An act to establish a free turnpike road from Lima, Allen county, to Ferrysburg, in Wood county;

No. 218. An act to amend an act entitled, "an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 17, 1838;

No. 320. An act to incorporate the First Regular Baptist Church of Jackson, in Jackson county;

No. 266. An act to incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church of Mount Eaton, Wayne county, Ohio;

No. 275. An act to incorporate the German Reformed and Lutheran Church of Bethlehem, in Stark county;

No. 299. An act to incorporate the Bath High School of Bath, in the county of Summit;

No. 249. An act to incorporate the town of Mount Eaton, in the county of Wayne;

No. 138. An act to incorporate Columbia Lodge, No. 44, of Free and Accepted Masons, in the town of Miami, in the county of Hamilton;

No. 92. An act making special provisions for the sale or revaluation of section 29, in Mill Creek township, Hamilton county;

No. 131. Making special provisions for the sale of section 29, in Sycamore township, in the county of Hamilton.

Ordered, That their titles be as aforesaid, and that the House be informed thereof.

The following bill was read a third time, and recommitted to a select committee of one, and Mr. Foos appointed said committee:

H. No. 253. An act to repeal so much of the act entitled, an act to incorporate the Ohio Turnpike Company, passed February 11, 1832, as authorizes said company to survey and locate their road from the junction of said road with the Batavia Turnpike Road, to the city of Cincinnati, in the county of Hamilton.

The following bill was read the third time, and the question occurring on the passage of the same, it was lost:

H. No. 294. An act to amend the act entitled, "an act to incorporate the town of Covington, in the county of Miami," passed March 3, 1854.

The following bill was read the third time:

H. No. 165. A bill for the relief of the Willoughby University of Lake Erie.

Mr. Leonard moved a call of the Senate; which being ordered, Messrs. Robbins and Root were found absent.

On motion of Mr. Waddle,

Mr. Root was excused.

On motion,

Further proceedings under the call were dispensed with.

Pending the discussion on the passage of House bill, No. 65, the Speaker called Mr. Walton to order, on the ground of his remarks being irrelevant to the question under consideration.

From this decision Mr. Walton took an appeal; on which,

Mr. Thomas moved the previous question; on sustaining which,

The yeas and nays were demanded, and being ordered, were, yeas 23, nays 11, as follows, to wit:

Yeas—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Leonard, Nash, Perkins, Ream, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—23.

Nays—Messrs. Bartley, Goodin, Hazeltine, Hostetter, Latham, Mitchell, Ritchey, Spangler, Taylor, Walton and Speaker—11.

So the Senate sustained the call for the previous question.

The main question was then put, "shall the decision of the Speaker stand as the decision of the Senate?"

And the yeas and nays being called, they were as follows, to wit:

Yeas—Messrs. Aten, Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Hazeltine, Henderson, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Perkins, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade and Waddle—31.

Nays—Messrs. Goodin and Walton—2.

So the decision of the Speaker was sustained.

Mr. Wade moved a call of the Senate, and Messrs. Holmes and Ream were found absent.

Mr. Ritchey moved that further proceedings under the call be dispensed with; on which motion,

Mr. Bartley demanded the yeas and nays, which being ordered, were, yeas 18, nays 17, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade and Waddle—17.

So the motion was agreed to.

Mr. Walton moved that the bill be indefinitely postponed; on which motion,

The yeas and nays were demanded, and being ordered, were, yeas 18, nays 18, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor and Walton—18.

Nays—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—18.

So the Senate refused to indefinitely postpone the bill.

The question occurring on the passage of the bill,

Mr. Henderson moved the previous question; on sustaining which,

Mr. Bartley demanded the yeas and nays; which being ordered, were, yeas 23, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Harris, Henderson, Latham, Leonard, Nash, Perkins, Robbins, Root, Sill, Stanton, Thomas, Van Vorhes, Wade, Waddle and Speaker—23.

Nays—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor and Walton—13.

So the main question was ordered.

On the passage of the bill,

Mr. Spangler demanded the yeas and nays; which being ordered, were, yeas 17, nays 19, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Clark, Crowell, Ford, Foos, Godman, Henderson, Nash, Perkins, Root, Sill, Thomas, Van Vorhes, Wade, Waddle and Speaker—17.

Nays—Messrs. Aten, Bartley, Dewey, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Stanton, Taylor and Walton—19.

So the bill was lost.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been read the third time and passed, to which the concurrence of the Senate is requested:

House bill No. 226; To incorporate the Little York and Fredricktown Turpentine Company.

House bill No. 261; To amend the act entitled, "an act to incorporate the Jefferson, South Charleston and Xenia Turnpike Company, passed March 5, 1838.

House bill No. 297; To amend an act entitled, "an act to incorporate the Vermillion and Ashland Railroad Company," passed March 23, 1837.

House bill No. 163; To incorporate the Dayton, Germantown, and Middletown Turnpike Company.

House bill No. 239; To incorporate the Union Mill Company of Roscoe.

House bill No. 309; To incorporate the First Regular Baptist Society of Royalton, in the county of Cuyahoga.

House bill No. 302; To incorporate the Batavia Mechanics' Institute.

House bill No. 250; To incorporate the First Baptist Church of Bath, in the county of Summit.

Attest:

GEO. M. AYERS, Clerk.

The above House Bills were read the first time, and the constitutional rule being dispensed with, they were then read a second time, and Nos. 250, 302, 309, and 237 were committed to the standing committee on Corporations, and Nos. 163, 297, 261, and 226, were re-committed to the standing committee on Railroads and Turnpikes.

Message from the House of Representatives.

Mr. Speaker:

Messrs. Hatch and Powell are appointed a committee of conference on the part of the House, in relation to the difference between the two Houses, upon House bill No. 58.

The House insists upon their amendments to Senate bill No. 76, and ask a committee of conference.

The House has agreed to the amendments of the Senate to House bill No. 21.

The House has agreed to the amendments of the Senate to House bills Nos. 128, 222, 223, 224, 210, 286, 281, 181, 63, and 187.

The following bill of the Senate has been read a third time and passed, to wit:

Senate bill No. 166; Making provision for the sale of lands and town lots for taxes, in Lucas county.

The following bills of the House have been read a third time and passed, to wit:

House bill No. 241; To incorporate the Dresden Fire Engine Company, No. 1.

House bill No. 155; To amend the act entitled, "an act creating the office of county surveyor, and defining his duties."

House bill No. 244; To incorporate the German United Lutheran and Reformed Congregation of St. Paul's Church in Columbus, in the county of Franklin.

House bill No. 304; To amend the act entitled, "an act to incorporate the town of Reynoldsburg, in the county of Franklin.

House bill No. 251; To incorporate the First Regular Baptist Church of the town of Springfield, and county of Clark.

House bill No. 208; To amend the act entitled, an act regulating judgments and executions.

House bill No. 313; To incorporate the Dayton and Piqua Turnpike Company.

Attest:

GID. M. AYRES, *Clerk.*

The Senate acceded to the request of the House; and Messrs. Bartley, and Taylor were appointed a committee on the part of the Senate, to confer with House committee in reference to Senate bill No. 76.

The bills of the House were read the first time, and the constitutional rule being dispensed with, they were read the second time, and Nos. 251, 304, 244, and 241, were committed to the standing committee on Corporations, and Nos. 155 and 208, committed to the standing committee on the Judiciary, and No. 313 was committed to the standing committee on Railroads and Turnpikes.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following bills, to which the signature of the Speaker of the Senate is requested:

House bill No. 65; To lay out and establish a state road in the counties of Holmes, Knox, and Marion.

Senate bill No. 21—to incorporate the Jackson Mill Company.

No. 28—to revive the third section of the act entitled, an act to amend the act entitled, an act to regulate the fees of officers in civil and criminal cases.

No. 45—to authorize the sale of the public square in the town of Jacksonville, in the county of Adams, for the purposes therein named.

No. 70—to authorize the executor of the estate of Robert McConnell, to convey certain lots in the town of McConnelsville, and for other purposes.

No. 71—to incorporate the St. Xavier College.

No. 72—to incorporate the town of Jamestown, in the county of Greene.

No. 74—to lay out and establish a state road in the counties of Williams and Lucas.

No. 80—to lay out and establish a graded state road in the counties of Morgan and Muskingum.

No. 84—to provide for the election of directors of the poor.

No. 85—to incorporate the town of Bourneville.

No. 89—to lay out and establish a state road in the counties of Fayette, Madison, Pickaway, and Franklin.

No. 90—to incorporate the Seneca Railroad Company.

No. 91—to extend the time for the appraisal of school section sixteen, in Royaltown township, Lucas county.

No. 98—to incorporate Engine Company, No. 1, of Youngstown, in the county of Trumbull.

No. 105—to authorize the auditor of the county of Athens to transcribe certain records, and make the same proper evidence.

No. 110—to authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river at Piketon.

No. 110—to incorporate the town of Dover, in the county of Tuscarawas.

No. 119—to incorporate the Pine Grove Academy, in the town of Porter, in the county of Gallia.

No. 121—to authorize the sale of the old meeting house belonging to the Methodist Episcopal Church in the town of Eaton, Preble county, Ohio.

No. 135—to incorporate the Orwell Library and Reading Society of the township of Orwell, Ashtabula county.

The Speaker of the House has also signed the following resolutions to which the signature of the Speaker of the Senate is requested:

Resolution in relation to joint committee on Enrolment.

Resolution in reference to G. Nelson Cumming.

Resolution appointing directors for Ohio Lunatic Asylum.

Resolution in relation to certain claims.

Attest:

GID. M. AYRES, *Clerk*.

The above enrolled bills and resolutions were signed by the Speaker of the Senate.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed House bill No. 21, to which the signature of the Speaker of the Senate is requested, to amend the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing bills of certain descriptions," passed January 28, 1824, and declare the meaning and intention of the ninth section thereof.

Attest:

GID. M. AYRES, *Clerk*.

The Speaker of the Senate signed the above enrolled bill.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the Senate have been read the third time and passed:

Senate bill No. 79—to incorporate the Trustees of the Ohio Wesleyan University, with amendment.

Senate bill No. 111—to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto; with amendment.

Attest:

GID. M. AYRES, *Clerk*.

The Senate concurred in House amendments to Senate bills Nos. 79 and 111.

Message from the House of Representatives.

Mr. Speaker:

The following bills of the Senate have been read a third time and passed, viz:

No. 77—to incorporate the town of Tiffin, in the county of Seneca.

No. 112—to incorporate the United Brethren in Christ, of Cincinnati.

No. 118—to incorporate the Wardens and Vestry of Christ Church in Warren, in the county of Trumbull.

No. 125—to incorporate the Providence Baptist Church, in the township of Clay, and the county of Gallia.

No. 131—to incorporate the third New Jerusalem Society, of Cincinnati.

The House has also passed the following bills of the Senate with amendments, to which the concurrence of the Senate is requested:

No. 101—to incorporate the Troy and Stillwater Turnpike Company.

No. 133—to incorporate the Wardens and Vestrymen of St. Stephen's Church, Liverpool, in the county of Columbiana.

No. 9—to confirm and establish the seat of Justice for Lucas county; with amendments.

No. 31—to repeal so much of each and every act of the General Assembly, as empowers any incorporated city, town, village, or borough, within the state, to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating liquor.

No. 54—further to amend the act entitled, an act to incorporate the town of Salem, in the county of Columbiana.

No. 91—to change the name of the town of Petersburg, in the county of Richland.

No. 139—to incorporate the town of Rosseau, in the county of Morgan.

No. 140—to lay out and establish a graded state road from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, in the county of Ross.

No. 142—To incorporate the St. John's Church of Liverpool township, Columbiana county, Ohio.

No. 143—To incorporate the Wilkesville Lyceum, in the county of Gallia.

No. 144—To incorporate the town of Malta, in the county of Morgan.

No. 147—To lay out and establish a graded State road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county.

No. 149—To incorporate the Findlay Literary Lyceum, in the county of Hancock.

No. 155—To lay out and establish a graded State road in the counties of Meigs and Athens.

No. 158—To incorporate the First Methodist Episcopal Church, of Fitchville, in Huron county.

No. 159—To divorce Hannah J. Herrick from her husband George W. Herrick, with amendment.

No. 160—To incorporate the First Free Will Baptist Church of Marion township, Marion county.

No. 161—To incorporate the Bethany Regular Baptist Church of the county of Scioto.

No. 162—To amend an act to incorporate the Philozetian Society of the Western Reserve College.

No. 163—To incorporate the Macedonian Christian Church, of Harrison, in the county of Gallia.

No. 141—To amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of Superintendent," passed March 7, 1838, with amendments.

No. 53—To repeal the act entitled an act for incorporating a library society, in the town of Granville, in the county of Fairfield, under the name and style of the Granville Alexandrian Society, with amendment.

Attest:

GEO. M. AYRES, *Clerk*.

The Senate concurred in House amendments to Senate bills 141, 101, 133 and 140, and disagreed to House amendments to Senate bills 163 and 159.

Senate bill No. 9, and House amendments thereto, were laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The following resolution has passed the House, to which the concurrence of the Senate is requested, to wit:

A resolution in relation to printing House report in relation to culture of silk.

The House have agreed to Senate amendments to House bill No. 240.

Attest:

GEO. M. AYRES, *Clerk*.

The Senate concurred in the above resolution of the House.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills and resolutions, to which the signature of the Speaker of the Senate is requested:

H. No. 289—To repeal the charter of the Bank of New Lisbon.

H. No. 296—To divorce Julia J. Spencer from her husband Daniel Spencer.

H. No. 303—To amend the act entitled "an act to incorporate the town of Addison, in the county of Champaign," passed March 11, 1838.

H. No. 192—For the relief of the Mayor, Recorder and Trustees of the town of Dresden, in Muskingum county.

H. No. 217—To amend the act entitled "an act to amend the act

entitled an act to provide for the inspection of salt," passed February 3, 1840.

H. No. 248—To incorporate the First Presbyterian Church in the town of Addison, Champaign county.

H. No. 167—To authorize the sale of school section sixteen, in the township of Chatfield, Crawford county, and also to repeal an act entitled "an act to provide for the sale of section sixteen, in township number one, in range seventeen, in Crawford county," passed March 23, 1837.

H. No. 147—To amend the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837.

H. No. 86—To authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company.

Attest:

GEO. M. ARMS, Clerk.

The Speaker of the Senate signed the above enrolled bills.

Mr. Walton offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That Edwin M. Stanton be and he is hereby appointed Reporter for the Supreme Court in Bank of the State of Ohio, for the term of three years, to commence from and after the first day of June next.

Mr. Crowell moved to strike out the name of Edwin M. Stanton and insert that of P. B. Wilcox.

Mr. Taylor called for a division of the question, and it turning on striking out,

The yeas and nays were demanded, and, being ordered, were, yeas 13, nays 20, as follows, to wit:

Yeas—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Henderson, Nash, Sill, Thomas, Van Vorhes, Wade and Waddle—13.

Nays—Messrs. Aten, Bartley, Clark, Dewey, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—20.

So the Senate refused to strike out.

The question then occurring on the passage of the resolution,

Mr. Nash demanded the yeas and nays, which, being ordered, were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Dewey, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Crowell, Ford, Foos, Godman, Henderson, Nash, Sill, Thomas, Van Vorhes, Wade and Waddle—13.

So the resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the report of the committee of conference

in relation to the difference between the two Houses relative to House bill No. 56.

The House has agreed to the amendments of the Senate to House bills Nos. 250, 252, 257 and 254.

The House concurred in the resolutions of the Senate relative to printing catalogue of Geological specimens, and the Columbus and Sandusky turnpike company.

Attest:

GID. M. AYRES, Clerk.

Mr. Holmes, from the standing committee on Corporations, to which was referred the bill (House No. 304,) to amend an act entitled an act to incorporate the town of Reynoldsburg, in the county of Franklin, reported the same back without amendment.

The bill was then read the third time and passed.

Mr. Holmes, from the same committee, to which was referred the bill (House No. 251,) to incorporate the First Regular Baptist Church of the town of Springfield, and county of Clark, reported the same back without amendment.

The bill was then read the third time and passed.

Mr. Holmes, from the same committee, to which was referred the bill (House No. 130,) to incorporate the First Regular Baptist Church in the town of Mansfield, Richland county, reported the same back without amendment, and the bill was then read the third time and passed.

Mr. Thomas offered for adoption the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to James J. Faran, Esq., for the able, impartial and dignified manner in which he has discharged the duties of Speaker of the Senate during the present session.

Mr. Henderson demanded the yeas and nays, which, being ordered, were, yeas 34, nay 0, as follows, to wit:

Yeas—Messrs. Aten, Baraett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Root, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle and Walton—34.

So the resolution was agreed to.

Mr. Taylor offered for adoption the following resolution:

Resolved, by the Senate and House of Representatives, That both branches of this General Assembly will meet in the Hall of the House of Representatives, on Saturday the 5th instant, at 7 o'clock, P. M., to proceed to elect one Judge of the Supreme Court; one Associate Judge for Medina county; one Associate Judge for Logan county; one Major General for the 6th division of the Ohio Militia; one Associate Judge for Gallia county; one Associate Judge for Perry county; one Receiver for the Lima Land Office; one Register of the Lima Land Office; one Receiver of the Maumee Land Office; and two Directors of the Ohio Penitentiary.

Mr. Taylor moved a call of the Senate, and, it being ordered, Messrs. Clark, Perkins, Root and Stanton, were found absent.

Mr. Taylor moved that Messrs. Perkins, Root, and Stanton be excused; on which motion,

Mr. Nash demanded the yeas and nays, which, being ordered, were, yeas 17, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—17.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Goodin, Henderson, Nash, Sill, Thomas, Van Vorhes, Wade and Waddle—15.

So Messrs. Perkins, Root and Stanton, were excused.

The question then occurring on agreeing to the resolution,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 20, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Clark, Godman, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Waddle, Walton and Speaker—20.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Henderson, Nash, Sill, Stanton, Thomas, Van Vorhes and Wade—13.

So the resolution was agreed to.

On motion of Mr. Goodin, it was

Resolved, by the Senate and House of Representatives, That the Bank Commissioners are hereby required to report to the adjourned session of this General Assembly, to be held on the 25th July next, such information touching the Banks of Ohio as may be in their possession.

On motion of Mr. Bartley, it was

Resolved, by the General Assembly of the State of Ohio, That Jacob Medary, William Trevitt and Heman A. Moore, be appointed with full and proper power and authority to investigate the accounts and vouchers of the several members of the Board of Public Works, up to this time, to report the result of such investigation to the adjourned session of the General Assembly, to be held in July, 1842.

Mr. Wade moved that the vote of the Senate on the passage of the resolution of the House in reference to the claim of Gideon M. Ayres be reconsidered; which motion was laid upon the table.

On motion of Mr. Godman, it was

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works, be and they are hereby required to appoint a new board of appraisers, of not less than three, nor more than five, disinterested persons, to reassess the damages alleged to have been done to the property of individuals, by reason of the construction of the Miami Canal Extension, Hocking Canal and Muskingum Improvement, or any of their appendages, agreeable to the provisions of the "act to provide for the internal improvement of the State of Ohio, by

navigable canals," in all cases wherein the individual or claimants shall, within three months from the rising of the present General Assembly, file, with said Board of Public Works, a written request for such reassessment.

Resolved, That it shall be the duty of the Board of Public Works, forthwith, after the rising of this General Assembly, to cause a copy of the foregoing resolutions to be published for at least three consecutive weeks, in some newspaper published in each of the counties through which either of said works is constructed.

On motion of Mr. Nash, it was

Resolved, by the General Assembly of the State of Ohio, That the care of the state House be intrusted to the State Librarian, during the recess of the Legislature, and that he is required to fit up and prepare the same for the use of the General Assembly, at its extra session, on the 25th of July next, as well as at the next annual session thereof, on the first Monday of December next, and that he be authorized to open the same at his discretion, for literary, scientific and musical purposes, and no others, to the citizens of this city as heretofore.

Mr. Wade, from the minority of the Currency committee, made the following report; which was laid upon the table, and the printing dispensed with:

The minority of the committee on the Currency, to which was referred sundry petitions, praying the establishment of a state bank, submit the following report—

That the majority of the committee having delayed their report on said petitions until the last active day of the session, and the minority, having no means of knowing what that report would be until the same was read in the Senate, have not, at this stage of the session, time to make a report, in detail, on the subject, nor to give to it that attention which its importance demands. But, believing that the majority have entirely mistaken the views of the petitioners on the subject, the minority of your committee, under these circumstances, would beg leave to adopt the following extract from the able report of the minority of the committee of the other branch of this legislature, upon the same subject, which contains the project of such a state bank as it is believed was contemplated by the petitioners, and which it is also believed would be practicable; safe, and satisfactory to the people of the state, and which, in the opinion of the minority, furnishes a complete answer to the reasoning of the majority of the committee. The extract is as follows:

"A bank to be incorporated, with a capital not exceeding ten millions of dollars; to be called "The State Bank of Ohio," and to be composed entirely of branches. The state not to be required to subscribe or furnish any portion of the capital stock; but the right to be reserved to the state to become a stockholder in the bank, to an amount not exceeding three millions, whenever any future legislature may direct; and for that purpose the capital stock may be increased. A bonus of five per centum on the stock subscribed to any branch, by individuals

and companies, to be invested in the stock of the branch, in the name and for the use of the state. A central board of directors to be established, consisting of seven members, who shall supervise the several branches, furnish them paper for circulation, and prescribe such rules for their government as will insure uniformity of action, and a general system for the transaction of their banking business.

"A portion of the members of said central board, and of the directors of each branch, to be appointed by the General Assembly. A suspension of specie payments by any branch to work a forfeiture of the charter, as to that branch, and its affairs to be immediately wound up, under the direction of the central board. An adequate safety fund to be provided and managed by the central board, to be used, when necessary, for the redemption of the notes, and in discharge of the liabilities of a failing branch. The several branches to be required to receive each other's notes at par, in the payment of debts. The notes of all the branches to be received in payment of taxes and all dues to the state, unless otherwise directed by the Legislature. The issues of the branches to be so limited, loans to directors and stockholders to be so restricted, and such other conditions imposed, as will guard the most effectually against frauds and insolvency; and the directors of each branch to be made personally and individually liable for all damages or loss resulting from any violation of the charter through their instrumentality. Books for subscription to the stock of a branch, to be opened in each county having a population of not less than fifteen thousand; and at every other place in the state in which there now is a solvent bank, whose charter will expire within the next two years. No branch to have a capital of less than one hundred thousand dollars; but to be permitted to organize and commence business with twenty-five thousand dollars, in gold and silver actually paid in. The system to be put in operation so soon as seven branches shall be organized.

"Resolved, That the standing committee on Banks and the Currency be instructed to report to this House, as speedily as practicable, a bill to incorporate the State Bank of Ohio, based upon the principles, and combining the features suggested in the foregoing report."

The minority of the committee regret that such a system had not have been established at an early period of the session, as it would have the effect to have detained in this state, some two or three millions of foreign capital, which will, in all probability, soon be withdrawn, and finally have saved the people from that distress and embarrassment which now seems inevitable.

B. F. WADE,

Minority of Committee.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have examined, compared, and found correctly enroled, the following acts and resolutions, to wit:

H. 238; An act to lay out and establish a graded state road in the counties of Wayne, Holmes and Stark;

H. 187; An act to incorporate the Phoenix Fire Company, in Canton, Stark county;

H. 157; An act to lay out and establish a graded state road in the counties of Muskingum and Coshocton;

H. 205; An act to incorporate the Lafayette University, at New Carlisle, Clark county;

H. 63; An act for the relief of John Erbe, Jacob Warner and Mark W. Babb;

H. 39; An act to provide for the valuation and sale of the canal lands belonging to the state of Ohio, and also to amend the acts now in force in relation thereto;

S. 88; An act to authorize the holding of special terms of the court of common pleas within and for the county of Scioto, for criminal and other business;

S. 38; An act to authorize the sale of certain school lands, in Washington township, Marion county;

S. 172; An act allowing the sheriff of Muskingum county additional time to return process;

S. 104; An act to authorize the sale of the real and personal property of the Urbana Academy;

S. 136; An act to regulate tolls on the several turnpikes in this state; Resolution in relation to the claim of I. N. Whiting and Huntington, and others;

Resolution in relation to the appointment of certain appraisers;

Resolution in relation to Lake Scipio;

Resolution in relation to claim of Platt & Co., and A. Backus;

Resolution appointing trustees to the Deaf and Dumb Asylum.

Mr. Sill, from the same committee, made the following report:

The joint standing committee on Enrolment report, that they have examined, and found duly enrolled, the following acts, to wit:

H. No. 71; An act to authorize the sale of school section, number sixteen, in Townsend township, in the county of Sandusky;

H. No. 128; An act to amend an act entitled, "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1833, and the act amendatory thereto, passed March 7, 1837;

H. No. 188; An act to incorporate the Hanover and Wellsville Railroad Company;

H. No. 212; An act to incorporate the First Presbyterian Church of New Philadelphia, Tuscarawas county;

H. No. 221; An act making special appropriations in favor of Shelby, Cuyahoga and Lorain counties;

H. No. 232; An act to authorize the Governor to make a deed of certain land to Nicholas Herron;

H. No. 236; An act to incorporate the Methodist Episcopal Church, in the town of Cheviot, in the county of Hamilton;

H. No. 273; An act to authorize the commissioners of the county of Hamilton to purchase a part of the Cincinnati and Harrison turnpike road;

H. No. 281; An act to repeal the charter of the Farmers', Mechanics' and Manufacturers' Bank of Chillicothe;

H. No. 286; An act to repeal the charter of the Farmers and Mechanics' Bank of Cincinnati.

On motion of Mr. Ritchey, it was

Resolved, by the General Assembly of the State of Ohio, That the Governor be and he is hereby requested to issue, within the present year, his proclamation to the citizens of this state, recommending to them the observance of a day of thanksgiving to Almighty God, for his blessings to us as a people; which day shall be selected at the discretion of the Governor, and designated in his proclamation.

Mr. Taylor, from the standing committee on the Currency, reported back sundry petitions from Jefferson county, asking the recharter of the F. and M. Bank of Steubenville, asked to be discharged from the further consideration of the subject, and the petitioners have leave to withdraw their petitions.

Message from the House of Representatives.

Mr. Speaker:

The following bills and resolutions have been signed by the Speaker of the House, to which the signature of the Speaker of the Senate is requested:

S. bill No. 88—To authorize the holding of special terms of Courts of Common Pleas within and for the county of Scioto, for criminal and other business;

S. bill No. 104—To amend the act entitled "an act to incorporate the Urbana Academy," passed January 30, 1822;

S. bill No. 67—To regulate the mode of collecting debts against turnpike companies in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the road, and for other purposes;

S. bill No. 38—To authorize the sale of certain school lands in Washington township, Marion county;

S. bill No. 136—To regulate tolls on the several turnpikes in this State;

S. bill No. 172—Allowing the Sheriff of Muskingum county additional time to return process;

A resolution relative to the Goshen, Wilmington and Columbus Turnpike Company;

A resolution in relation to Lake Scipio;

A resolution in relation to appointment of certain appraisers;

A resolution in relation to the appointment of certain appraisers;

A resolution in relation to the claim of I. N. Whiting and Huntington, and others;

A resolution in relation to the Ohio University Lands.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills and resolutions.

28—S. J.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills and resolutions, to which the signature of the Speaker of the Senate is requested:

H. bill No. 133—For the relief of Jacob Darner;

H. bill No. 211—To vacate Vinton street in the town of Miamisburg, in the county of Montgomery;

H. bill No. 225—To amend an act entitled "an act to authorize the trustees of Troy township, in Richland county, to lay off and establish a new school district," passed March 29, 1841;

H. bill No. 247—For the relief of Susannah McGraw;

H. bill No. 256—To extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes;

H. bill No. 260—To lay out and establish a graded State road in the counties of Washington and Monroe;

H. bill No. 274—To lay out and establish a graded State road in the counties of Monroe, Morgan and Washington;

H. bill No. 126—To incorporate the town of Jackson, in the county of Jackson.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills and resolutions.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the Senate resolution in relation to elections.

Attest:

GID. M. AYRES, *Clerk.*

Mr. Holmes, from the standing committee on Corporations, to which they were committed, reported back the following bills (302 and 241) with amendments; which were agreed to; and the constitutional rule being dispensed with, they were read the third time and passed:

H. No. 241—An act to incorporate the Dresden Fire Engine Company, No. 1.

H. No. 302—An act to incorporate the Batavia Mechanics' Institute.

H. No. 309—An act to incorporate the First Baptist Society of Roy-alton, in the county of Cuyahoga.

H. No. 250—An act to incorporate the First Baptist Church of Bath, in the county of Summit.

H. No. 244—An act to incorporate the German United Lutheran and Reformed Congregation of St. Paul's Church, in Columbus, in the county of Franklin.

Mr. Ford, from the standing committee on Railroads and Turn-pikes, to which they were committed, reported back the following bills (Nos. 261 and 313) with amendments; which were agreed to; and

the constitutional rule being dispensed with, the bills were read the third time and passed:

H. No. 261—An act to amend the act entitled "an act to incorporate the Jefferson, South Charleston and Xenia Turnpike Company," passed March 5, 1828.

H. No. 313—An act to incorporate the Dayton and Piqua Turnpike Road Company.

H. No. 226—An act to incorporate the Little York and Fredericktown Turnpike Company.

H. No. 297—An act to amend an act entitled "an act to incorporate the Vermillion and Ashland Railroad Company," passed March 23, 1837.

H. No. 163—An act to incorporate the Dayton, Germantown and Middletown Turnpike Company.

On motion of Mr. Goodin,

The Senate reconsidered its vote on the passage of House bill No. 294, to amend the act entitled "an act to incorporate the town of Coryington, in the county of Miami," passed March 3, 1834, and the bill then passed.

On motion of Mr. Hostetter,

The Senate took up House bill No. 267, to incorporate the First Presbyterian Church of Waynesburg, in the county of Stark, and the bill then passed.

Mr. Holmes, from the standing committee on Corporations, to which was committed the bill (H. No. 237) to incorporate the Union Mill Company of Roscoe, reported the same back without amendment, and the constitutional rule being dispensed with, the bill was read the third time.

The question occurring on the passage thereof,

Mr. Hostetter demanded the yeas and nays, which, being ordered, were, yeas 20, nays 8, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Dewey, Ford, Godman, Harris, Hazeltine, Henderson, Leonard, McConnell, Nash, Ream, Ritchey, Sill, Spangler, Stanton, Thomas and Wade—20.

Nays—Messrs. Aten, Holmes, Hostetter, Mitchell, Taylor, Waddle, Walton and Speaker—8.

So the bill passed.

Mr. Holmes, from the standing committee on Corporations, to which was recommitted Senate bill No. 130, to incorporate the First Regular Baptist Church in the town of Mansfield, Richland county, reported the same back without amendment, and the bill was then read a third time and passed.

Mr. Godman, from the standing committee on Canals, to which they were recommitted, reported back the following bills, and recommended the further consideration thereof be postponed until the first Monday in December next; which was agreed to:

H. No. 245—A bill to settle the claims of Edmund Lytle and George D. Leckey.

H. No. 231—A bill to settle the claims of James Taylor, jr.

H. No. 234—A bill for the relief of Charles F. Berkley, William Geddes, and David Eveland.

Mr. Bartley, from the standing committee on the Judiciary, to which they were recommended, reported back the following bills, and recommended their indefinite postponement; which was agreed to:

H. No. 79—A bill to amend the act to incorporate the Ohio Life Insurance and Trust Company.

H. No. 144—A bill further to amend the act entitled "an act to regulate the practice of judicial courts," passed March 8, 1831.

H. No. 72—A bill to further amend the act entitled "an act to prohibit the issuing and circulating of unauthorized bank paper," passed January 27, 1816.

On motion of Mr. Spangler,

The Senate took up the papers relating to the claim of John Panabaker, and they were then postponed until the first Monday in December next.

Message from the House of Representatives.

Mr. Speaker:

The House has passed Senate bill No. 152, with amendment.

Senate bill 152—To provide for paying the temporary liabilities of the State, the interest thereon, and for other purposes.

Attest:

GID. M. AYRES, *Clerk.*

The following is the House amendment to Senate bill No. 152, to provide for paying the temporary liabilities of the State, the interest thereon, and for other purposes:

Strike out all the Senate bill, save the enacting clause, and insert the following:

Sec. 1. That the Commissioners of the Canal Fund, be and they are hereby authorized and required, immediately upon the passage of this act, to borrow on the credit of the state, a sum or sums of money, not exceeding one million and a half of dollars, for the purposes of paying balances now due to contractors upon the public works, for the completion of the Wabash and Erie Canal, and for the payment of the temporary loans contracted with the Chillicothe Bank, Franklin Bank of Columbus, Wooster and New York Banks; and the loans so made shall bear a rate of interest, to be recorded upon the face of the bonds, at the discretion of the Commissioners, not exceeding twelve per cent. per annum, payable semi-annually, at the State Treasury, and the principal shall be redeemable at the pleasure of the state, after the year 1860; and for the final redemption of said loans, and the punctual payment of the interest thereon, the faith of the state is hereby pledged: provided, that no certificate of canal stock, or other evidence of debt, issued by the said commissioners for the loans herein authorized to be made, shall be sold, or otherwise disposed of at a rate less than par.

Sec. 2. That the further prosecution of all the public works of this state shall be suspended from and after the passage of this act until the close of the next General Assembly, except the said Wabash and Erie Canal.

Sec. 3. That, for the purpose of procuring loans, to make up the sum provided for in the first section of this act, from the citizens and inhabitants of this state, said commissioners are hereby authorized and required, immediately upon the passage of this act, to publish in the newspapers printed in Columbus, and at least in one other newspaper in each county in this state, where a newspaper may be published, a notice that upon certain days therein specified, the said Commissioners will receive, at places therein to be specified, proposals from individuals or companies to loan money to the state, under the authority of the first section of this act; and it shall be the duty of the said Commissioners, on the day specified, to attend at the place or places specified, and make any loan that may be proposed within the limitations of the first section of this act; and upon any loan being made, as aforesaid, it shall be the duty of the said Commissioners to issue to the person or company making the same, certificates of canal stock, with the rate of interest at which the said loan was made specified in the face of said bond, in the usual size and form of such certificates heretofore issued: provided, that it shall not be lawful, in any case, to borrow from any person or company a sum less than three hundred dollars, or to issue any certificate for an amount less than one hundred dollars, exclusive of the interest therein reserved.

Sec. 4. That every certificate issued under the provisions of this act, to any resident or corporation of Ohio, shall be reported to, and registered by, the Auditor of State, in a book to be provided by him for that purpose, which register shall contain the amount of each certificate, the rate of interest reserved therein, and the name of the person in whose favor the same was issued.

Mr. Bartley moved to commit the bill and amendments to the standing committee on the Public Debt; and on his motion

Demanded the yeas and nays; which being ordered, were, yeas 8, nays 26, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Hastetter, Latham, Taylor, and Speaker—6.

Nays—Messrs. Barnett, Carpenter, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Leonard, Mitchell, McConnell, Nash, Ream, Ritchey, Robbins, Sill, Spangler, Stanton, Thomas, Van Vorhes, Wade, and Waddle—26.

So the Senate refused to commit to the committee on Public Debt.

The question occurring on agreeing to House amendments to Senate bill No. 152, to provide for paying the temporary liabilities of the State, the interest on the State debt, and for other purposes;

Mr. Bartley demanded the yeas and nays, and they being ordered, were, yeas 7, nays 25, as follows, to wit:

Yeas—Messrs. Bartley, Holmes, Hostetter, Latham, Leonard, Walton and Speaker—7.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Mitchell, McConnell, Nash, Ream, Robbins, Sill, Spangler, Stanton, Taylor, Thomas, Van Vorhes, Wade and Waddle—25.

So the amendments were disagreed to.

Mr. Taylor, from the standing committee on the Currency, to which was recommitted Senate bill No. 39, to define the meaning and intention of the ninth section of the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing of bills of certain descriptions," passed January 23, 1824, made the following report; which was agreed to:

The standing committee on the Currency, to which was referred Senate bill No. 39, to define the meaning and intention of the ninth section of the act entitled "an act to regulate judicial proceedings where banks and bankers are parties, and to prohibit issuing of bills of certain descriptions," report the same back.

The necessity for a law of the kind contemplated, is superseded by a law which has already passed this Legislature at its present session. The committee, therefore, ask to be discharged from the further consideration of the subject, and that the bill be indefinitely postponed.

On motion Mr. Goodin,

The Senate took up Senate bill No. 56, to lay out and establish a state road in the counties of Hancock and Hardin, and the bill was then postponed until the first Monday in December next.

On motion of Mr. Waddle, it was

Resolved, by the General Assembly of the State of Ohio, That Noah H. Swayne be and he is hereby appointed a Trustee of the Ohio Institution for the instruction of the Blind, to fill the vacancy occasioned by the expiration of his present term of office.

Message from the House of Representatives.

Mr. Speaker:

The Hall of the House is now ready for the reception of Senators to go into certain elections.

Attest:

GID. M. AYRES, Clerk.

On motion of Mr. Taylor,

The members of the Senate preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and being seated within the Bar of the House, both Houses proceeded, in pursuance to a joint resolution previously adopted for that purpose, to elect one Judge of the Supreme Court of Ohio.

The following was the declared result of the balloting:

For Nathaniel C. Reed.....	56 votes.
Joseph H. Crane.....	29 "
Blanks.....	19 "

Nathaniel C. Reed, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected a Judge of the Supreme Court of the State of Ohio, for the constitutional term of seven years, from and after the fifth day of March, 1842.

The two Houses next proceeded, as aforesaid, to elect one Associate Judge for the county of Medina.

The following was the declared result of the balloting:

For Jesse L. Hinman.....	55 votes.
Blanks.....	28 "

Jesse L. Hinman, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected an Associate Judge for the county of Medina, for the constitutional term of seven years from and after this day.

The two Houses next proceeded, as aforesaid, to elect an Associate Judge for the county of Logan.

The following was the result of the balloting:

For William Hoge.....	57 votes.
Blanks.....	22 "

William Hoge, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected an Associate Judge for the county of Logan, for the constitutional term of seven years, from and after the 10th day of March, 1842.

The two Houses next proceeded, as aforesaid, to elect one Associate Judge for the county of Gallia.

The following was the result of the balloting:

For Joseph W. Ross.....	55 votes.
Thomas Rogers.....	35 "
Blanks.....	8 "

Joseph W. Ross, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses to be duly elected an Associate Judge for the county of Gallia, for the constitutional term of seven years, from and after this day.

The two Houses next proceeded, as aforesaid, to elect one Associate Judge for the county of Perry.

The following was the result of the balloting:

For John Heck.....	58 votes.
Blanks.....	30 "

John Heck, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected an Associate Judge for the county of Perry. for the constitutional term of seven yeas, from and after this day.

The two Houses next proceeded, as aforesaid, to elect one Major General for the sixth division of the Ohio militia.

The following was the result of the balloting:

For John Armstrong.....	58 votes.
Blanks	33 "

John Armstrong, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected a Major General of the sixth division of the Ohio militia, from and after this day.

The two Houses next proceeded, as aforesaid, to elect one Receiver of the State land office at Lima.

The following was the result of the balloting:

For James Cunningham.....	57 votes.
Blanks	25 "

James Cunningham, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected Receiver of the State land office at Lima, for the term of three years, from and after this day.

The two Houses next proceeded, as aforesaid, to elect one Register for the State land office at Lima.

The following was the result of the balloting:

For James Taylor.....	58 votes.
Blanks.....	24 "

James Taylor, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected Register for the State land office at Lima, for the term of three years from and after this day.

The two Houses next proceeded, as aforesaid, to elect one Receiver for the State land office at Maumee.

The following was the result of the balloting:

For Charles C. P. Hunt.....	59 votes.
Blanks	27 "

Charles C. P. Hunt, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected Receiver of the State land office at Maumee, for the term of three years from and after this day.

The two Houses next proceeded, as aforesaid, to elect two Directors of the Ohio Penitentiary.

The following was the result of the balloting:

For Andrew H. Patterson.....	93 votes.
Andrew McElvain	52 "
Samuel Spangler.....	48 "
Blanks	2 "

Andrew H. Patterson, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected a Director of the Ohio Penitentiary, for the term of two years, from and after the 23d day of March, 1842.

Samuel Spangler nor Andrew McElvain, having received a majority of all the votes given,

The two Houses again proceeded, as aforesaid, to elect one Director of the Ohio Penitentiary.

The following was the result of the balloting:

For Andrew McElvain.....	51 votes.
Samuel Spangler.....	47 "
Blanks	2 "

Andrew McElvain, having received a majority of all the votes given, was declared by the Speaker of the Senate, in the presence of both Houses, duly elected a Director of the Ohio Penitentiary, for the term of three years, from and after the 9th day of March, 1842.

The elections having agreeably to appointment all taken place, the members of the Senate returned to the Senate Chamber.

Message from the House of Representatives.

Mr. Speaker:

The House have insisted upon their amendment to the bill of the Senate, in relation to the payment of public creditors, &c., and request a committee of Conference, and ask for a committee of Conference.

Attest:

GID. M. AYRES, *Clerk.*

The Senate acceded to the request of the House, and Messrs. Robbins and Ford were appointed a committee on the part of the Senate.

A message from the House of Representatives.

Mr. Speaker:

The House have appointed Messrs Jenkins, Bowen and Hatch a committee of Conference on the part of the House, on the subject matter of disagreement between the two Houses, in relation to Senate bill 152.

Attest:

GID. M. AYRES, *Clerk.*

Mr. Nash offered for adoption the following resolution; which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That the following numbers of the laws of general nature, passed and ordered to be printed at the present session; and the following numbers of the acts of a local nature, and resolutions, passed and ordered to be printed, and of the Journals of each House, shall be distributed to the several counties of this State, by the Secretary of State, according to law, as follows—to the county of

Counties.	General Laws.	Local Laws.	Journals.	Counties.	General Laws.	Local Laws.	Journals.
Adams.....	110	20	15	Licking.....	197	45	40
Allen.....	140	20	15	Lorain.....	192	33	30
Ashtabula.....	236	40	33	Lawrence.....	113	20	18
Athens.....	175	35	30	Lucas.....	154	30	25
Belmont.....	165	25	22	Muskingum.....	240	45	40
Brown.....	150	25	22	Madison.....	120	20	18
Butler.....	140	30	23	Medina.....	170	30	28
Carroll.....	135	25	20	Meigs.....	127	23	20
Crawford.....	155	23	18	Mercer.....	145	20	19
Clarmont.....	140	30	25	Morgan.....	146	24	20
Coshocton.....	190	32	24	Montgomery.....	157	24	20
Clark.....	110	20	15	Miami.....	120	22	18
Clinton.....	117	20	16	Marion.....	183	25	20
Cuyahoga.....	170	35	30	Monroe.....	164	25	20
Columbiana.....	115	37	30	Ottawa.....	95	15	14
Champaign.....	122	24	19	Paulding.....	35	17	15
Delaware.....	200	32	24	Perry.....	120	25	23
Darke.....	195	30	25	Pike.....	104	18	16
Erie.....	110	17	15	Portage.....	175	35	30
Fairfield.....	155	30	24	Preble.....	120	30	27
Franklin.....	170	30	24	Pickaway.....	136	25	23
Fayette.....	90	20	18	Putnam.....	128	17	15
Greene.....	83	20	16	Ross.....	167	35	30
Guernsey.....	187	28	24	Richland.....	235	40	33
Geauga.....	128	35	27	Sandusky.....	115	30	24
Gallia.....	150	25	21	Seneca.....	125	25	22
Harrison.....	174	28	20	Scioto.....	137	25	23
Hardin.....	107	19	16	Shelby.....	144	20	18
Hancock.....	164	30	25	Stark.....	165	33	28
Hamilton.....	200	37	28	Summit.....	155	28	25
Highland.....	138	24	18	Tuscarawas.....	185	32	27
Hocking.....	117	16	13	Trumbull.....	285	46	38
Holmes.....	130	25	20	Union.....	128	25	20
Henry.....	100	17	16	Vanwert.....	70	20	18
Huron.....	178	25	20	Warren.....	93	25	23
Jefferson.....	145	30	25	Washington.....	190	35	30
Jackson.....	140	23	20	Wayne.....	180	33	30
Knox.....	220	33	28	Williams.....	170	25	20
Lake.....	90	20	20	Wood.....	160	30	25
Logan.....	126	30	25				

Mr. Sill, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, report, that they have examined, and found duly enroled, the following acts, to wit:

An act to incorporate the First Free Will Baptist Society of Brunswick, Medina county;

An act to amend the act entitled, "an act to regulate judicial proceedings, where banks and bankers are parties, and to prohibit issuing bank bills of certain descriptions," passed January 28, 1824, and declare the meaning and intention of the ninth section thereof;

An act to incorporate the town of Jackson, in the county of Jackson;

An act for the relief of Jacob Darner;

An act to vacate Vinton street in the town of Miamisburg, in the county of Montgomery;

An act to amend an act entitled, "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841;

An act to amend an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes," passed March 9, 1838;

An act for the relief of Susannah McGrew;

An act to extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes;

An act to lay out and establish a graded state road in the counties of Washington and Monroe;

An act to lay out and establish a graded state road in the counties of Monroe, Morgan, and Washington.

Mr. Latham, from the standing committee on the Public Debt, to which was recommitted House bill No. 229, to provide for the management of the Public Debt, and to preserve the credit of the state, reported the same back with sundry amendments, and the bill and pending amendments were laid upon the table.

Mr. Hostetter moved that the Senate take up Senate bill No. 9, to confirm and establish the seat of justice for Lucas county; on which motion,

Mr. Bartley demanded the yeas and nays, and they being ordered, were, yeas 4, nays 29, as follows, to wit:

Yeas—Messrs. Bartley, Hostetter, Mitchell and Spangler—4.

Nays—Messrs. Aten, Barnett, Carpenter, Clark, Crowell, Dewey, Foss, Godman, Goodin, Harris, Hazeltine, Henderson, Holmes, Latham, Leonard, McConnell, Nash, Ream, Ritchey, Robbins, Sill, Stanton, Taylor, Thomas, Van Vorhes, Wade, Waddle, Walton and Speaker—29.

So the Senate refused to take up Senate bill No. 9.

On motion of Mr. Sill,

Mr. Robbins was granted leave of absence for the remainder of the present session.

Mr. Holmes offered sundry resolutions in relation to a national armory, to be located near the mouth of the Ohio Canal; which were laid upon the table.

Mr. Thomas, from the standing committee on the Judiciary, to which was recommitted House bill No. 300, to amend the act entitled, "an act to punish trespassers on the public lands," passed March 31, 1837, reported the same back without amendment.

Mr. Taylor moved that the bill be indefinitely postponed; on which motion, he demanded the yeas and nays, and being ordered, were, yeas 7, nays 26, as follows, to wit:

Yeas—Messrs. Aten, Holmes, Latham, Mitchell, Spangler, Taylor and Speaker—7.

Nays—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Hazeltine, Henderson, Hostetter, Leonard, McConnell, Nash, Ream, Ritchey, Robbins, Sill, Stanton, Thomas, Wade, Waddle and Walton—26.

So the Senate refused to postpone indefinitely.

The question then occurring on ordering the bill to its third reading,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 26, nays 7, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Clark, Crowell, Dewey, Ford, Foos, Godman, Goodin, Harris, Henderson, Holmes, Hostetter, Leonard, McConnell, Nash, Ream, Ritchey, Robbins, Sill, Stanton, Thomas, Wade, Waddle and Walton—26.

Nays—Messrs. Aten, Hazeltine, Latham, Mitchell, Spangler, Taylor and Speaker—7.

So the bill was ordered to its third reading, and then passed.

Mr. Holmes, from the select committee, to which was recommitted House bill No. 280, to repeal the charter of the Ohio Insurance Company, reported the same back without amendment.

The question occurring on the passage of the bill,

Mr. Leonard demanded the yeas and nays, which, being ordered, were, yeas 18, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Clark, Goodin, Harris, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Walton and Speaker—18.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Ford, Foos, Godman, Henderson, Nash, Sill, Stanton, Wade and Waddle—13.

So the bill passed.

At their request, Messrs. Robbins and Ford were excused from serving on the joint committee of Conference in relation to the difference between the two houses, touching Senate bill No. 152, and

Messrs. Leonard and Nash were appointed to supply said vacancy.

Mr. Bartley moved that the Senate take up House bill No. 229, to provide for the management of the Public Debt, and to preserve the

credit of the State; and on his motion, demanded the yeas and nays, which, being ordered, were, yeas 17, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Leonard, Mitchell, McConnell, Ream, Ritchey, Robbins, Spangler, Taylor, Wade, Waddle and Walton—17.

Nays—Messrs. Barnett, Carpenter, Clark, Dewey, Ford, Foos, Godman, Henderson, Nash, Sill, Stanton, Thomas and Speaker—13.

So the bill was taken up.

The question then occurring on postponing the further consideration of the bill until the 25th of July next,

The yeas and nays were demanded, and being ordered, were, yeas 17, nays 14, as follows, to wit:

Yeas—Messrs. Barnett, Clark, Dewey, Ford, Foos, Godman, Henderson, Hostetter, Latham, Leonard, Nash, Robbins, Spangler, Stanton, Thomas, Wade and Speaker—17.

Nays—Messrs. Aten, Bartley, Carpenter, Goodin, Hazeltine, Holmes, Mitchell, McConnell, Ream, Ritchey, Sill, Taylor, Waddle and Walton—14.

So the bill was postponed until the 25th of July next.

Mr. Taylor, from the standing committee on the Currency, to which was referred so much of the unfinished business of last session as relates to an act to incorporate the State Bank of Ohio, reported the same back, and recommended its indefinite postponement; which was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred sundry petitions in relation to the privileges of colored persons, reported the same back, and recommended that the further consideration thereof be indefinitely postponed; which was agreed to.

Mr. Hazeltine, from the standing committee on Agriculture, Commerce, and Manufactures, to which was referred sundry petitions praying certain enactments in relation to dogs, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petition; which was agreed to.

Mr. McConnell, from the standing committee on Canals, to which was referred the petition of Matthew D. Wolf, praying the appointment of commissioners to assess damages on the Hocking Canal, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition; which was agreed to.

Mr. McConnell, from the standing committee on Canals, to whom was referred the petition of Matthew Dove, praying remuneration for damages sustained by the construction of the Hocking Canal, reported the same back, and recommended that the petition be postponed to the first Monday in December next, which was agreed to.

Mr. Bartley, from the standing committee on the Judiciary, to which was referred sundry petitions, praying the passage of laws to prevent

the emigration of negroes into the state of Ohio, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petitions; which was agreed to.

Mr. Taylor, from the standing committee on the Currency, to which was referred sundry petitions in relation to banks and the currency, reported the same back, asked to be discharged from the further consideration thereof, and that the petitioners have leave to withdraw their petitions; which was agreed to.

Mr. McConnell, from the standing committee on Canals, to which was referred the petition of Robert Hozier, asking remuneration for damages sustained by the cutting timber for the canal on his lands, reported the same back, asked to be discharged from the further consideration thereof, and that the same be postponed until the first Monday in December next; which was agreed to.

Mr. Sill, from the joint standing committee on Enrolment, made the following report; which was agreed to:

The joint standing committee on Enrolment, report, that they have examined, and found duly enrolled, the following act, to wit:

Senate No. 111; An act to incorporate the town of Troy, in the county of Miami, and to repeal all acts now in force in relation thereto.

On motion of Mr. Holmes,

The Senate adjourned until two o'clock on Monday morning next.

Attest

THOMAS J. MORGAN, *Clerk*.

MONDAY, MARCH 7, 1842.

The Senate met pursuant to adjournment.

Mr. Carpenter presented sundry petitions in relation to the privileges of colored persons; which,

On motion of Mr. Carpenter,

Were postponed until the first Monday of December next.

Mr. Bartley, from the joint select committee to which was referred the bill, Senate, No. 76, to regulate banking in Ohio, made the following report; which was agreed to.

The committee of conference, appointed on the matter of difference between the two houses, on sundry amendments of the House of Representatives, to Senate bill, No. 76, have agreed, and recommend, that

the first amendment be amended, by striking out the words, "three months," and inserting in lieu thereof, the words "thirty days," and that the same thus amended be agreed to.

That the House recede from their 3d, 19th and 26th amendments; and that the Senate recede from their disagreement to the 27th and 31st amendments.

Mr. Nash, from the standing committee on Schools and School Lands, to which was recommitted the resolution of inquiry, in relation to the school laws, reported the same back, and asked to be discharged from the further consideration thereof.

On motion,

The resolution was indefinitely postponed.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, have examined, compared, and found correctly enroled, the following acts and resolutions, to wit:

An act to amend an act entitled, "an act to incorporate the Vermilion and Ashland Railroad Company," passed March 23, 1837;

An act to repeal an act, passed February 22, 1830, and an act amendatory thereto, passed February 11, 1832, to establish a board of commissioners to improve the navigation of the Killbuck creek;

An act to amend an act entitled, "an act to incorporate the Barnesville Male Academy," passed March 12, 1839;

An act to incorporate the town of Mount Eaton, in the county of Wayne;

An act to incorporate the Dresden Fire Engine Company, No. 1;

An act to revive the act entitled, "an act to provide for the sale of section 16, granted by Congress for the use of schools," passed January 29, 1827, so far as relates to the surrender of leases and taking of deeds, for the purpose of enabling the lessees on section, No. 16, fractional township, No. 4, second fractional range of townships in the Miami purchase, to surrender their leases and take deeds;

An act to incorporate the Ohio Conference High School, in the town of Springfield, and county of Clark;

An act to lay out and establish a state road in the counties of Delaware and Knox;

An act to incorporate the Canaan Union Academy;

An act making appropriations for the year 1842;

An act to authorize and enable the county commissioners of the county of Hamilton, to make a graded road from the town of Carthage, in said county, to the head of Vine street, in the city of Cincinnati;

An act to amend an act entitled, "an act to incorporate the town of Lebanon, in the county of Warren;"

An act to authorize the sale of school section number 16, in Jackson township, in the county of Hancock;

An act to authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county;

An act to punish certain crimes therein named, and for the prevention of a fraudulent currency;

An act to amend an act entitled, "an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 17, 1838;

An act to authorize the sale of school section number 16, in Madison township, in the county of Sandusky;

An act to lay out and establish a state road in the counties of Williams, Henry and Hancock;

An act making special provisions for the sale or revaluation of section 29, in Mill Creek township, Hamilton county.

An act to incorporate the First Free Will Baptist Church of Marion township, Marion county.

An act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and to provide for the regulation of corporations, generally.

An act to incorporate the Wilkesville Lyceum, in the county of Gallia.

An act to lay out and establish a graded state road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county.

An act to lay out and establish a graded state road from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, in the county of Ross.

An act to lay out and establish a graded state road in the counties of Meigs and Athens.

An act to incorporate the Troy and Stillwater Turnpike Company.

An act to incorporate the St. John's Church of Liverpool township, Columbiana county, Ohio.

An act to incorporate the Wardens and Vestrymen of St. Stephen's Church, Liverpool, in the county of Columbiana.

An act to repeal so much of each and every act of the General Assembly as empowers any incorporated city, town, village or borough, within the state, to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drinks.

An act to authorize the sale of school section, No. 16, in Union township, in the county of Putnam.

An act making special provision for the sale of section 29, in Sycamore township, in the county of Hamilton.

An act to incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association.

An act to amend the act entitled, "an act to punish trespassers on the public lands," passed March 31, 1837.

An act to amend the act entitled, "an act to incorporate the Jefferson—S. J.

son, South Charlestown and Xenia Turnpike Company," passed March 5, 1838.

An act to amend an act entitled, "an act to incorporate the town of Reynoldsburg, in the county of Franklin."

An act to incorporate Columbia Lodge, No. 44, of Free and Accepted Masons, in the town of Miami, in the county of Hamilton.

An act to repeal a part of the thirty fifth section of an act entitled, "an act to provide for the protection of the canals of the State of Ohio, the regulation of the navigation thereof, and for the collection of tolls."

An act to authorize the sale of school section number sixteen, in Clinton township, in the county of Lucas.

An act to provide for the sale of the residue of section 26, in Columbia township, in Meigs county.

An act to incorporate the Bethany Regular Baptist Church, of the county of Scioto.

An act to amend an act to incorporate the Philozetian Society of the Western Reserve College.

An act to incorporate the Macedonian Christian Church of Harrison, in the county of Gallia.

An act to amend the act entitled, "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838.

An act to authorize the sale of school section number 16, in Brady township, Williams county.

An act declaratory of the forty sixth section of the act entitled, "an act relating to wills."

An act to incorporate the First Regular Baptist Church, in the town of Mansfield, Richland county.

An act further to amend the act entitled, "an act to incorporate the town of Salem, in the county of Columbiana.

An act to incorporate the town of Rosseau, in the county of Morgan.

An act to change the name of the town of Petersburg, in the county of Richland.

An act to incorporate the German Reformed and Lutheran Church of Bethlehem, in Stark county.

A resolution relative to the distribution of the laws and journals of this General Assembly.

A resolution in relation to Bank Commissioners.

A resolution in relation to the Columbus and Sandusky Turnpike Company.

A resolution in relation to printing catalogue of geological specimens.

A resolution in relation to state house.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, have deposited in the office of the Secretary of State, the following act and resolutions, and taken his receipt for the same:

An act fixing the times of holding the supreme court for the year 1842.

Resolution appointing Arvine Wales and Arnold Lynch, of Stark county, trustees of the charity school of Kendall, in Stark county.

Resolutions directing the Auditor of State to suspend the issuing of warrants to turnpike companies.

Mr. Walton, from the standing committee on the Judiciary, to which was committed the bill, House, No. 122, to regulate the fees of certain officers and witnesses, in the county of Hamilton, reported the same back without amendment.

On motion,

The bill was postponed until the first Monday in December next.

Mr. Clark, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment, have examined the following bills, and find the same correct:

An act to authorize the sale of school section number sixteen, in Chesterfield township, Lucas county.

An act to amend an act entitled, "an act to provide for the levying a tax on the capital of exchange brokers and stock jobbers," &c., passed March 21, 1840.

An act to incorporate the First Regular Baptist Church and Society, in Camden, Lorain county.

Mr. Leonard, from the joint select committee of Conference, as to the difference between the two houses on Senate bill No. 152, have agreed, and recommend that the House recede from its amendment, and that all of the Senate bill, saving the enacting clause, be stricken out, and the following be inserted:

That the Commissioners of the Canal Fund shall be, and they are hereby authorized to issue and sell on the best terms practicable, for and on behalf of this state, stock of the state, bearing an interest of six per cent. per annum, payable semi-annually in the City of New York, and redeemable in said city at the pleasure of the state, after the year 1870, to the amount, and for the purpose following, that is to say: For the purpose of paying the temporary loans contracted on behalf of this state by said Commissioners, in the City of New York and in this state, and now remaining unpaid, so much stock as will produce a net sum not exceeding five hundred thousand dollars; the avails thereof to be applied to the payments aforesaid, at the places where borrowed, and no more stock, redeemable at any place out of the state of Ohio, or stock on which the interest is payable out of the state, shall be issued or sold.

Sec. 2. That the Commissioners of the Canal Fund be, and they are hereby authorized and required, immediately upon the passage of

this act, to borrow, on the credit of the state, a sum or sums of money, not exceeding one million and three hundred thousand dollars, for the purposes of paying balances now due to the contractors upon the public works, and for the completion of the Wabash and Erie Canal, and the loans so made shall bear a rate of interest, to be named upon the face of the bonds, at the discretion of the Commissioners, not exceeding six per cent. per annum, payable semi-annually at the State Treasury, and the principal shall be redeemable at the pleasure of the state, at the State Treasury; and for the final redemption of said loans, and the punctual payment of the interest thereon, the faith of the state is hereby pledged; provided, that no certificate of canal stock, or other evidence of debt, issued by the said Commissioners for the loans herein authorized to be made, shall be sold, or otherwise disposed of, at a rate less than par.

Sec. 3. That the further prosecution of all the public works of this state shall be suspended from and after the passage of this act, until the close of the next General Assembly, except the said Wabash and Erie Canal, and such other work on the canals as is now under contract, and on which the work has actually been commenced.

Sec. 4. That for the purpose of procuring loans to make up the sum provided for in the second section of this act, from the citizens and inhabitants of this state, said Commissioners are hereby authorized and required, immediately upon the passage of this act, to publish in the newspapers printed in Columbus, and at least in one other newspaper in each county in this state, wherein a newspaper may be published, a notice that, upon certain days therein specified, the said Commissioners will receive, at places therein to be specified, proposals from individuals or companies to loan money to the state, under the authority of the second section of this act; and it shall be the duty of the said Commissioners, on the day specified, to attend at the place or places specified, and make any loan that may be proposed within the limitations of the second section of this act; and upon any loan being made as aforesaid, it shall be the duty of the said Commissioners to issue to the person or company making the same, certificates of canal stock, with the rate of interest at which the said loan was made, specified on the face of said bond, in the usual size and form of such certificates heretofore issued: provided, that it shall not be lawful, in any case, to borrow from any person or company a sum less than one hundred dollars, or to issue any certificate for an amount less than one hundred dollars, exclusive of the interest therein named.

Sec. 5. That every certificate issued under the provisions of this act, to any resident or corporation of Ohio, shall be reported to, and registered by the Auditor of State, in a book to be provided by him for that purpose; which register shall contain the amount of each certificate, the rate of interest named therein, and the name of the person in whose favor the same was issued.

Sec. 6. That of the amount of certificates of loan authorized to be issued in the second section of this act, the sum of three hundred

thousand dollars shall be made receivable in payment of the Wabash and Erie canal lands, and the sum of two hundred thousand dollars shall be receivable in payment for the Miami Extension canal lands, and such fact shall be stated on the face of the bonds so issued; and the Treasurer, under the direction of the Fund Commissioners, is hereby authorized to pay the same to the contractors upon the respective works; provided they are willing to receive the same; and the Treasurer of State, under the direction of the Fund Commissioners, is further authorized to pay to contractors, in satisfaction of their claims, certificates of loans not based upon the canal lands, as aforesaid; provided the contractors are willing to receive the same.

Sec. 7. That the Auditor of State shall require each collector of canal tolls, on the Monday of each week during the time when the canals shall be open for navigation, to make out and transmit to his office, abstracts of all moneys received for tolls, fines, penalties, forfeitures, and water rents during the preceding week, together with such accounts, statements and vouchers as may be necessary to show the balance of money due to the state from such collector, and each collector shall, within ten days from the time when such abstracts and accounts are required to be made out, pay into the State Treasury, or deposit with such person or agent, and in such place as the Treasurer may designate, the full amount of money which may be found due to the State, and in case of deposit, such collector shall forthwith transmit, by mail, to the Auditor of State, a certificate of deposit for the money so deposited; and if any collector of canal tolls shall fail to make out and transmit to the Auditor of State, the abstracts, accounts and vouchers, so as aforesaid required, or shall fail, within the time hereinbefore limited, to pay over, or deposit the amount of money due the state, and transmit a certificate thereof, in case of deposit, as hereinbefore required, then, and in either case, such delinquent collector and his sureties shall be proceeded against as provided by the seventy third and seventy fourth sections of the act entitled "an act to regulate the navigation and collection of tolls on the canals of this state," passed February 23, 1830, which sections are hereby revived and declared to be in full force.

Sec. 8. That the Governor, the Auditor of State, and the Commissioners of the Canal Fund, are hereby severally required to suspend all further action under the "act to authorize a loan of credit by the state to railroad companies, and to authorize subscriptions by the state to the capital stock of turnpike, canal and slackwater navigation companies," and under the act repealing the above recited act, so far as said acts, or either of them, authorize or require subscriptions to the capital stock of any of said companies, the loaning of the credit of the state to any railroad company, the payment of money, the issuing of warrants or drafts for the payment thereof, until the close of the next annual session of the General Assembly.

Mr. Bartley moved that the report of the committee be disagreed to, and, on his motion, demanded the yeas and nays, which, being ordered, were, yeas 10, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Crowell, Holmes, Hostetter, Leonard, Mitchell, Spangler, Taylor, and Walton—10.

Nays—Messrs. Barnett, Carpenter, Clark, Dewey, Godman, Goodin, Hazeltine, Latham, McConnell, Nash, Ream, Stanton, Van Vorhes, Wade and Speaker—15.

So the Senate refused to disagree to the report of the committee.

The joint standing committee on Enrolment have examined the following bills and resolutions, and find them correct:

H. No. 57—An act to amend an act entitled "an act further to amend the act entitled 'an act to prohibit the issuing and circulating of unauthorized bank paper,'" passed January 27, 1816, and to repeal certain acts and parts of acts therein named, passed March 23, 1840.

H. No. 280—An act to repeal the charter of the Ohio Insurance Company.

H. No. 163—An act to incorporate the Dayton, Germantown and Middletown Turnpike Company.

H. No. 223—An act to incorporate the Tallmadge Academical Institute, of Tallmadge, in the county of Summit.

H. No. 294—An act to amend the act entitled "an act to incorporate the town of Covington, in the county of Miami" passed March 3, 1834.

H. No. 267—An act to incorporate the First Presbyterian Church of Waynesburg, in Stark county.

H. No. 220—An act to incorporate the First Regular Baptist Church of Jackson, in Jackson county.

H. No. 266—An act to incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church of Mt. Eaton, Wayne county, Ohio.

H. No. 302—An act to incorporate the Batavia Mechanics' Institute.

H. No. 237—An act to incorporate the Union Mill Company of Roscoe.

H. No. 313—An act to incorporate the Dayton and Piqua Turnpike Road Company.

S. No. 83—An act to amend an act entitled "an act for the appointment of guardians," passed February 6, 1824.

S. No. 153—An act to repeal the act entitled "an act for incorporating a library society in the town of Granville, in the county of Fairfield, under the name and title of Granville Alexandrian Society.

Resolution in relation to Reporter for the Supreme Court.

Resolution in relation to the appointment of a trustee for the Institution of the Blind.

Resolution in relation to the appointment of a committee to investigate the accounts and vouchers of the Board of Public Works.

Resolution in relation to a day of thanksgiving.

The joint standing committee on Enrolment have examined the following bills and resolutions, and find them correct:

H. No. 226—An act to incorporate the Little York and Frederick town Turnpike Company.

H. No. 224—An act further to amend the act entitled "an act to incorporate the City of Ohio.

S. No. 120—An act to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest and southwest and southeast quarters of school section sixteen, in said township, in the county of Perry.

S. No. 169—An act supplementary to the act entitled "an act further to amend an act providing for the appointment of the Board of Bank Commissioners, and for the regulation of banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the state of Ohio," passed February 18, 1842.

H. No. 51—An act to authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson.

H. No. 250—An act to incorporate the First Baptist Church of Bath, in the county of Summit.

H. No. 309—An act to incorporate the First Baptist Society of Roy-alton, in the county of Cuyahoga.

H. No. 213—An act to amend an act to establish the Miami Uni-versity, and appointing trustees for the same.

H. No. 243—An act to establish a free turnpike road from Allen county to Perrysburg, Wood county.

H. No. 251—An act to incorporate the First Regular Baptist Church of the town of Springfield, and county of Clark.

H. No. 299—An act to incorporate the Bath High School, of Bath, in the county of Summit.

H. No. 244—An act to incorporate the German United Lutheran and Reformed Congregation of St. Paul's Church in Columbus, in the county of Franklin.

H. No. 110—An act to lay out and establish a graded state road in the counties of Monroe and Washington.

The joint standing committee on Enrolments have examined the following bill and resolution, and find them to be correct:

S. bill No. 151—An act to incorporate the Euphemia, Lewisburgh and West Alexandria Turnpike Road Company.

Resolution in relation to the distribution in the several counties of the collated statutes of the state, and for furnishing copies of the Ohio Reports to the counties of Carroll, Scioto and Vanwert.

The joint standing committee on Enrolment have examined the following resolutions, and find them to be correct.

Resolution in reference to a court martial to be called by the Gov-ernor.

Resolution in relation to authorizing the chief clerks of the Gener-al Assembly to complete the returns.

Resolution authorizing the Auditor of State to cause certain inves-tigations to be made.

Mr. Walton, from the standing committee on Public Lands, to which was referred House resolution in relation to Indian reservations by the Ottawa tribe, reported the same back and recommended its adoption, which was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution in relation to Quartermaster General.

Attest:

GID. M. AYRES, *Clerk.*

The question occurring on the adoption of House resolution, Mr. Bartley demanded the yeas and nays, which, being ordered, were, yeas 14, nays 13, as follows, to wit:

Yeas—Messrs. Barnett, Bartley, Carpenter, Crowell, Dewey, Godman, Goodin, Hostetter, Latham, Leonard, Nash, Ream, Stanton, and Van Vorhes—14.

Nays—Messrs. Aten, Clark, Hazeltine, Holmes, Mitchell, McConnell, Ritchey, Spangler, Taylor, Wade, Waddle, Walton, and Speaker—13.

So the resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution directing the Auditor of State to investigate the affairs of Railroad Companies.

Attest:

GID. M. AYRES, *Clerk.*

The question occurring on agreeing to the resolution,

Mr. Taylor demanded the yeas and nays, which, being ordered, were, yeas 20, nays 8, as follows, to wit:

Yeas—Messrs. Bartley, Carpenter, Clark, Dewey, Goodin, Hazeltine, Holmes, Hostetter, Latham, Leonard, Mitchell, McConnell, Ream, Ritchey, Spangler, Stanton, Taylor, Wade, Walton, and Speaker—20.

Nays—Messrs. Barnett, Crowell, Godman, Nash, Sill, Van Vorhes, and Waddle—7.

So the resolution was agreed to.

Mr. Taylor, from the standing committee on the Currency, to which was referred the bill, Senate No. 145, for the relief of the Bank of Wooster, Franklin Bank of Columbus, and the Bank of Chillicothe, reported the same back and recommended its indefinite postponement; which was agreed to.

Mr. Taylor, from the standing committee on the Currency, to which was referred certain resolutions in relation to banks, reported

the same back and recommended its indefinite postponement; which was agreed to.

On motion of Mr. Holmes, it was

Resolved, by the General Assembly of the State of Ohio, That the chief clerks in the respective Houses of the General Assembly be authorized, after the adjournment, to complete the records of reports of their respective Houses, required by an act, passed January 21, 1839, and that the Speakers of the respective Houses certify their accounts for such number of days as may be necessary to complete said works, at a rate of compensation not exceeding three dollars per day, while so engaged; and they shall also be paid the sum of one hundred dollars for preparing indexes to the Journals and volume of Public Documents, as provided in the aforesaid act, to be paid on the warrant of the Speakers of the respective branches of the General Assembly.

Mr. Clark, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have deposited the following enrolled acts and resolutions, in the office of the Secretary of State, and received his certificate therefor:

An act to amend the act entitled, an act to incorporate the Ripley and Hillsborough Turnpike Company, passed February 19, 1833, and the act amendatory thereto.

An act to incorporate the Hanover and Wellsville Railroad Company.

An act to incorporate the First Presbyterian Church of New Philadelphia, Tuscarawas county.

An act making special appropriations in favor of Shelby, Cuyahoga, and Lorain counties.

An act to amend an act to provide for the safe keeping of idiots, lunatics, or insane persons, the management of their affairs, and for other purposes, passed March 9, 1838.

An act to authorize the Governor to make a deed of certain lands, to Nicholas Herron:

An act to incorporate the Methodist Episcopal Church, in the town of Cheviot, in the county of Hamilton.

An act to lay out and establish a graded state road in the counties of Holmes, Wayne, and Stark.

An act to authorize the commissioners of the county of Hamilton to purchase a part of the Cincinnati and Harrison Turnpike Road.

An act to repeal the charter of the Farmers' Mechanics' and Manufacturers Bank of Chillicothe.

An act to repeal the charter of the Farmers' and Mechanics' Bank of Cincinnati.

An act to incorporate the Lafayette New Church, Clark county.

An act to incorporate the town of Troy, in the county of Miami, and to repeal all laws now in force in relation thereto.

An act to incorporate the First Free Will Baptist Society of Brunswick, Medina county.

An act to incorporate the Phenix Fire Company, in Canton, Stark county.

An act to lay out and establish a graded state road, in the counties of Muskingum and Coshocton.

An act for the relief of John Erbe, Jacob Warner, and Mark W. Babb.

An act to authorize the sale of School section number sixteen, in Townsend township, in the county of Sandusky.

An act to provide for the valuation and sale of the canal lands belonging to the state of Ohio, and, also, to amend the acts now in force in relation thereto.

Resolution appointing Trustees to the Deaf and Dumb Asylum.

Resolution relative to the Milan Canal Company.

Mr. Holmes, from the standing committee on Corporations, made the following report:

The select committee to whom were referred the petitions of the citizens of the town of Salen, Columbiana county, asking the legislature to repeal all laws authorizing the court of common pleas to grant licenses to tavern keepers to retail spirituous liquors, have had the same under consideration, and submit the following report:

Your committee duly appreciate the motives that induced the petitioners to ask legislative interference in a matter deeply involving the well being and prosperity of our common country, and which, for years past, have called into active requisition the talents and energies of many of our best citizens. But your committee conceive that any legislative action upon the subject now, would be inexpedient and highly impolitic, and not calculated to advance the wishes of the petitioners, or promote the objects so earnestly desired by all; but, on the contrary, would inevitably retard the great moral reformation so happily begun, and which puts it beyond a doubt that, unaided by the strong arm of the law, public opinion, predicated upon the good sense and intelligence of community, will effect what is sought to be remedied by legislative interposition. Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions.

Mr. Sill, from the standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment report, that they have deposited the following enrolled acts and resolutions in the office of the Secretary of State, and received his receipt therefor, to wit:

An act to lay out and establish a state road in the counties of Holmes, Knox, and Marion.

An act to incorporate the Jackson Mill Company.

An act to revive the third section of the act entitled, an act to amend the act entitled, an act to regulate the fees of officers in civil and criminal cases.

An act to authorize the sale of the public square, in the town of Jacksonville, in the county of Adams, for the purposes therein named.

An act to authorize the executor of the estate of Robert McConnel, to convey certain lots in the town of McConnelsville, and for other purposes.

An act to incorporate the St. Xaviers College.

An act to incorporate the town of Jamestown, in the county of Greene.

An act to lay out and establish a state road in the counties of Williams and Lucas.

An act to lay out and establish a graded state road in the counties of Morgan and Muskingum.

An act to provide for the election of Directors of the Poor.

An act to incorporate the town of Bourneville.

An act to lay out and establish a state road in the counties of Fayette, Madison, Pickaway, and Franklin.

An act to incorporate the Seneca Railroad Company.

An act to extend the time for the appraisal of school section sixteen, in Royalton township, Lucas county.

An act to incorporate Engine Company No. 1, of Youngstown, in the county of Trumbull.

An act to authorize the auditor of the county of Athens, to transcribe certain records, and to make the same proper evidence.

An act to authorize the Portsmouth and Columbus Turnpike Company to build a toll bridge across the Scioto river at Piketon.

An act to incorporate the town of Dover, in the county of Tuscarawas.

An act to incorporate the Pine Grove Academy, in the town of Porter, and the county of Gallia.

An act to authorize the sale of the Old Meeting House, belonging to the Methodist Episcopal Church, in the town of Eaton, Preble county, Ohio.

An act to incorporate the Orwell Library and Reading Society of the township of Orwell, Ashtabula county.

Resolution appointing Director for Ohio Lunatic Asylum.

An act to incorporate the Eaton Medical Society.

An act to authorize the sale of section sixteen, in Tymochtee township, in the county of Crawford.

An act to amend an act for the inspection of certain articles therein enumerated, passed March 9, 1831.

An act to authorize the county commissioners of Williams county, to levy an additional tax for road purposes.

An act to amend the act fixing the times of holding the courts of common pleas.

An act to provide for an adjourned session of the General Assembly.

An act allowing the Sheriff of Muskingum county additional time to return process.

An act to regulate tolls on the several turnpikes in this state.

An act to authorize the sale of certain school lands in Washington township, Marion county.

An act to regulate the mode of collecting debts against turnpike

companies in which the state is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads, and for other purposes.

An act to amend the act entitled, "an act to provide for the inspection of salt," passed February 3, 1840.

An act to incorporate the First Presbyterian Church, in the town of Addison, Champaign county.

An act to authorize the holding of special terms of the court of common pleas, within and for the county of Scioto.

An act to amend the act entitled, "an act to incorporate the Urbana Academy," passed January 20, 1822.

An act to amend the act entitled, "an act to incorporate the town of Addison, in the county of Champaign," passed March 11, 1836.

An act for the relief of the Mayor, Recorder, and Trustees of the town of Dresden, in Muskingum county.

An act to divorce Julia J. Spencer, from her husband, Daniel Spencer.

An act to repeal the charter of the bank of New Lisbon.

An act to authorize the county commissioners of Clark county to subscribe to the capital stock of the Little Miami Railroad Company.

An act to vacate Vinton street, in the town of Miamisburg, in the county of Montgomery.

An act for the relief of Jacob Darner.

An act for the relief of Susanna McGrew.

An act to amend an act entitled, "an act to authorize the trustees of Troy township, in Richland county, to lay off a new school district," passed March 29, 1841.

An act to extend the corporate limits of the town of Bainbridge, in the county of Ross, for certain purposes.

An act to lay out and establish a graded state road in the counties of Washington and Monroe.

An act to lay out and establish a graded state road in the counties of Monroe, Morgan, and Washington.

An act to incorporate the town of Jackson, in the county of Jackson.

An act to authorize the sale of school section sixteen, in the township of Chatfield, Crawford county, and also to repeal an act entitled, "an act to provide for the sale of section sixteen, in township number one, in range seventeen, in Crawford county," passed March 23, 1837.

An act to amend the act entitled, "an act prescribing the duties of supervisors, and relating to roads and Highways," passed March 20, 1837.

Resolution relative to the Goshen, Wilmington, and Columbus Turnpike Company.

Resolution in relation to Lake Scipo.

Resolution in relation to the appointment of certain appraisers.

Resolution in relation to the appointment of certain appraisers.

Resolution in relation to the Ohio University Lands.

Resolution in relation to the claim of I. N. Whiting, and Huntington and others.

Resolution in relation to Griffith, Standart, & Co., and J. F. West's claim.

Mr. Bartley offered for adoption the following resolution:

Resolved, by the Senate and House of Representatives, That one thousand copies of the general acts passed at the present session of the General Assembly, in relation to the banks and the Currency, be arranged and printed as soon as practicable, and distributed to the members of the present session of the legislature.

On motion, the resolution was laid on the table.

On motion of Mr. Holmes,

The Senate took up the following resolution; which was agreed to.

Resolved, by the General Assembly of the State of Ohio, That our Senators and Representatives in congress, be and they are hereby requested to use their best endeavors to procure the detail of a corps of Topographical Engineers, to make examinations, surveys and estimates, in the coal and iron region of this state, and of Greenup county in Kentucky, with a view to the selection of a site for the location of the contemplated National Armory in the west, at or near a point on the banks of the Ohio river, near the present termination of the Ohio canal, and at or near a place commonly known as Bradford's ship yard, situated below the old mouth of the Scioto river, in the county of Scioto, and that the consent of this legislature is hereby given to any sale and conveyance of his land by James Bradford, to the United States, for the purposes of the Armory.

Resolved further, That a copy of the above resolution be forwarded to each of our members in congress, and to the President of the United States, to the Secretary of War, to the Colonel of the Ordinance Department, and to the Colonel of the Topographical Bureau.

Mr. Waddle offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the resolutions heretofore passed at the present session, expressing the confidence of this General Assembly, that the legislatures of Virginia, Indiana, Illinois and Kentucky, would compel the banks of those states to an early resumption of specie payments, be and they are hereby rescinded.

Resolved, That the Governor be requested to forward a copy of this resolution to the Governors of Virginia, Indiana, Illinois and Kentucky.

Mr. Walton moved that the resolutions be indefinitely postponed, on which motion,

Mr. Hazeltine demanded the yeas and nays, which being ordered, were, yeas 15, nays 13, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Hazeltine, Holmes, Hostetter, Latham, Mitchell, McConnell, Ream, Ritchey, Spangler, Taylor, Walton and Speaker—15.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Godman, Henderson, Nash, Sill, Stanton, Thomas, Van Vorhes, Wade and Waddle—13.

So the resolutions were indefinitely postponed.

Mr. Bartley moved to take up House resolution in relation to printing and distributing copies of certain laws, and on his motion, demanded the yeas and nays, which being ordered, were, yeas 11, nays 15, as follows, to wit:

Yeas—Messrs. Aten, Bartley, Goodin, Holmes, Hostetter, Mitchell, Ritchey, Spangler, Taylor, Walton and Speaker—11.

Nays—Messrs. Barnett, Carpenter, Crowell, Dewey, Godman, Hazeltine, Henderson, McConnell, Nash, Ream, Stanton, Thomas, Van Vorhes, Wade and Waddle—15.

So the Senate refused to take up the resolution.

On motion of Mr. Thomas, it was

Resolved, by the General Assembly of the State of Ohio, That John G. Telford, and Adam Minick, of the county of Miami, and Hiram Potter, of the county of Darke, be and they are hereby appointed trustees of the Troy, Covington and Greenville Free Turnpike, in accordance with, and to carry into effect, the provisions of the act passed March, A. D., 1842, entitled, "an act to amend an act entitled, an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, in Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 17, 1836.

Mr. Clark, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have examined the following Senate bills, and found them correctly enroled:

Senate, No. 79; An act to incorporate the trustees of the Ohio Wesleyan University.

Senate, No. 50; An act further to amend the act entitled, "an act to incorporate the town of Milan," passed February 23, 1833.

Senate, No. 30; An act to amend an act entitled, "an act defining the powers and duties of justices of the peace, and constables, in criminal cases," passed March 27, 1837, and the act amendatory thereto.

Senate, No. 77; An act to incorporate the town of Tiffin, in the county of Seneca.

Senate, No. 131; An act to incorporate the Third New Jerusalem Society of Cincinnati.

Senate, 149; An act to incorporate the Findlay Literary Lyceum, in the county of Hancock.

Senate, No. 118; An act to incorporate the Wardens and Vestry of Christ Church in Warren, in the county of Trumbull.

Senate, No. 112; An act to incorporate the United Brethren in Christ, of Cincinnati.

Senate, No. 144; An act to incorporate the town of Malta, in the county of Morgan.

Senate, No. 158; An act to incorporate the First Methodist Episcopal Church of Fitchville, in Huron county.

S. No. 166; An act making provisions for the sale of lands and town lots for taxes, in Lucas county.

S. No. 125; An act to incorporate the Providence Baptist Church in the township of Clay, and the county of Gallia.

S. No. 59; An act to amend the act entitled, an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company, passed the 9th day of March, 1839.

S. No. 122; An act to authorize the surrender of the residue of section sixteen in township seven of range five in Belmont county.

S. No. 154; An act to amend an act entitled, an act to incorporate and establish the City of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject, passed March 1, 1834, and also an act amendatory thereto, passed March 19, 1840.

Mr. Sill, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have examined and found duly enrolled the following act, to wit:

Senate, No. 137; An act supplementary to the act entitled, an act to incorporate the Circleville and Washington Turnpike Company.

Mr. Aten, from the joint standing committee on Enrolment, made the following report:

The joint standing committee on Enrolment have examined, compared, and found correctly enrolled the following acts, to wit:

S. 152; An act to provide for paying the temporary liabilities of the state, the interest on the state debt, and for other purposes.

Mr. Aten, from the joint standing committee on Enrolment, made the following reports:

The joint standing committee on Enrolment have examined and found correctly enrolled, to wit:

A resolution appointing trustees of the Troy, Covington and Greenville Free Turnpike.

The joint committee on Enrolment have deposited the following enrolled acts and resolutions in the office of Secretary of State, and received his receipt therefor:

S. No. 76; An act to regulate banking in Ohio.

S. No. 141; An act to amend the act entitled, an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838.

S. No. 31; An act to repeal so much of each and every act of the General Assembly, as empowers any incorporate city, town, village or borough, within the state, to license groceries or coffee

houses, or in any manner confer the power to retail spirituous or intoxicating drinks.

S. No. 161; An act to incorporate the Regular Baptist Church of the county of Scioto.

H. No. 6; An act to authorize the sale of school section number sixteen, in Madison township, in the county of Sandusky.

H. No. 95; An act to authorize the sale of school section number sixteen, in Union township, in the county of Putnam.

H. No. 92; An act making special provisions for the sale of, or valuation of, section twenty nine, in Mill Creek township, Hamilton county.

H. No. 304; An act to amend an act entitled, "an act to incorporate the town of Reynoldsburg, in the county of Franklin.

H. No. 302; An act to incorporate the Batavia Mechanics Institute.

The joint standing committee on Enrolment have deposited in the office of the Secretary of State, the following resolution, and taken his receipt therefor, to wit:

A resolution appointing trustees of the Troy, Covington and Greenville Free Turnpike.

The joint standing committee on Enrolment have deposited the following acts and resolutions in the office of the Secretary of State, and taken his receipt therefor:

An act to incorporate the United Brethren in Christ, of Cincinnati.

An act to authorize the county commissioners of Hamilton county, to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county.

An act to incorporate the Canaan Union Academy.

An act to authorize the sale of school section No. 16, in Jackson township, in the county of Hancock.

An act to incorporate the Ohio Conference High School, in the town of Springfield, and county of Clark.

An act to incorporate the town of Mount Eaton, in the county of Wayne.

An act to incorporate the Dresden Fire Engine Company, No. 1.

An act to punish certain crimes therein mentioned, and for the prevention of a fraudulent currency.

An act to authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson.

An act to incorporate the Bath High School, of Bath, in the county of Summit.

An act to incorporate the First Regular Baptist Church, of the town of Springfield, and county of Clark.

An act to incorporate the German United Lutheran and Reformed Congregation of St. Paul's Church, in Columbus, in the county of Franklin.

An act supplementary to the act entitled, "an act further to amend an act providing for the appointment of the Board of Bank Commis-

sioners, and for the regulation of Banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the banks within the state of Ohio," passed February 18, 1842.

An act to authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest and southwest, and southeast quarters of school section sixteen, in said township, in the county of Perry.

An act to authorize the sale of school section number sixteen, in Brady township, Williams county.

An act declaratory of the forty sixth section of the act entitled an act relating to wills.

An act to incorporate the First Regular Baptist Church in the town of Mansfield, Richland county.

An act further to amend the act entitled an act to incorporate the town of Salem, in the county of Columbiana.

An act to divorce Hannah J. Herrick from her husband George W. Herrick.

An act to incorporate the town of Rosseau, in the county of Morgan.

An act to change the name of the town of Petersburg, in the county of Richland.

An act to amend an act entitled "an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject," passed March 1, 1834, and also an act amendatory thereto, passed March 19, 1840.

An act to incorporate the Euphemia, Lewisburgh and West Alexandria turnpike road company.

An act to incorporate the Little York and Fredericktown turnpike company.

An act to incorporate the First Baptist Society, of Royalton, in the county of Cuyahoga.

An act further to amend the act entitled an act to incorporate the city of Ohio.

An act to amend an act to establish the Miami University and appointing trustees for the same.

An act to establish a free turnpike road from Lima, Allen county, to Perrysburg, in Wood county.

An act to incorporate the First Baptist Church, of Bath, in the county of Summit.

Resolution in relation to the distribution of the laws and journals of this General Assembly.

An act making appropriations for the year 1842.

An act to amend an act entitled an act to incorporate the town of Lebanon, in the county of Warren.

An act to authorize and enable the county commissioners of the county of Hamilton to make a graded road from the town of Carthage, in said county, to the head of Vine street, in the city of Cincinnati.

An act to revise the act entitled "an act to provide for the sale of section sixteen, granted by congress for the use of schools," passed

January 29, 1827, so far as relates to the surrender of leases and taking of deeds for the purpose of enabling the lessees on section No. 16, fractional township No. 4, second fractional range of townships in the Miami purchase to surrender their leases and take deeds.

An act to amend an act entitled "an act to incorporate the Vermilion and Ashland Railroad Company," passed March 23, 1837.

An act to repeal sundry acts of the General Assembly for the improvement of the navigation of the Killbuck creek.

An act to amend the act entitled "an act to incorporate the Barnesville Male Academy," passed March 12, 1839.

An act to incorporate the German Reformed Lutheran Church, of Bethlehem, in Stark county.

An act to lay out and establish a State road in the counties of Delaware and Knox.

An act to incorporate the Providence Baptist Church in the township of Clay, and the county of Gallia.

An act making provision for the sale of lands and town lots for taxes in Lucas county.

An act to incorporate the town of Tiffin, in the county of Seneca.

An act to incorporate the trustees of the Ohio Wesleyan University.

An act further to amend the act entitled "an act to incorporate the town of Milan," passed February 23, 1833.

Instituting proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and to provide for the regulation of corporations generally.

An act to incorporate the Wilksville Lyceum, in the county of Gallia.

An act to lay out and establish a graded State road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county.

An act to lay out and establish a graded State road from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, in the county of Ross.

An act to lay out and establish a graded State road in the counties of Meigs and Athens.

An act to incorporate the First Free Will Baptist Church of Marion township, Marion county.

An act to incorporate the St. John's Church of Liverpool township, Columbiana county, Ohio.

An act to amend the act entitled "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839.

An act to authorize the surrender of the residue of section 16, in township 7, of range 5, in Belmont county.

An act to incorporate the Wardens and Vestrymen of St. Stephen's Church of Liverpool, in the county of Columbiana.

An act to incorporate the Troy and Stillwater turnpike company.

An act to incorporate the town of Malta, in the county of Morgan.

An act to incorporate the Findlay Literary Lyceum, in the county of Hancock.

An act to incorporate the Wardens and Vestry of Christ Church, in Warren, in the county of Trumbull.

An act to incorporate the First Methodist Episcopal Church, of Fitchville, in Huron county.

An act to incorporate the Third New Jerusalem Society of Cincinnati.

An act to amend the act entitled "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837, and the act amendatory thereto.

The joint standing committee on Enrolment have examined and found correctly enrolled the following resolution, to wit:

A resolution in relation to the distribution, in the several counties, of the collated statutes of the state, and for furnishing copies of the Ohio reports to the counties of Carroll, Scioto and Van Wert.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills, to which the signature of the Speaker of the Senate is requested:

H. No. 257—Making appropriations for the year 1842;

H. No. 117—To amend an act entitled an act to incorporate the town of Lebanon, in the county of Warren;

H. No. 215—To authorize the county commissioners of Hamilton county to take stone, timber, gravel, &c., for the purpose of making and repairing roads in said county;

H. No. 257—To authorize and enable the county commissioners of the county of Hamilton to make a graded road from the town of Carthage, in said county, to the head of Vine street, in the city of Cincinnati;

H. No. 254—To incorporate the Canaan Union Academy;

H. No. 262—To revive the act entitled "an act to provide for the sale of section sixteen, granted by congress for the use of schools," passed January 27, 1827, so far as relates to the surrender of leases and taking of deeds for the purpose of enabling the lessees on section No. 16, fractional township No. 4, second fractional range of townships in the Miami purchase to surrender their leases and take deeds.

H. No. 88—To authorize the sale of school section No. 16, in Jackson township, in the county of Hancock;

H. No. 297—To amend an act entitled "an act to incorporate the Vermillion and Ashland Railroad Company," passed March 25, 1837;

H. No. 295—To repeal sundry acts of the General Assembly for the improvement of the navigation of the Killbuck creek;

H. No. 268—To amend an act entitled "an act to incorporate the Barnesville Male Academy," passed March 12, 1839;

H. No. 241—To incorporate the Dresden Fire Engine Company No. 1;

H. No. 249—To incorporate the town of Mt. Eaton, in the county of Wayne;

H. No. 281—To incorporate the Ohio Conference High School in the town of Springfield, and county of Clark.

H. No. 118—To lay out and establish a State road in the counties of Delaware and Knox;

H. No. 275—To incorporate the German Reformed Lutheran Church, of Bethlehem, in Stark county;

H. No. 56—To prevent certain crimes therein mentioned, and for the prevention of a fraudulent currency;

S. No. 125—To incorporate the Providence Baptist Church in the township of Clay, and the county of Gallia;

S. No. 166—Making provision for the sale of lands and town lots for taxes in Lucas county;

S. No. 132—To authorize the surrender of the residue of section 16, in township 7, of range 5, in Belmont county;

S. No. 142—To incorporate the St. John's Church of Liverpool township, Columbiana county, Ohio;

S. No. 160—To incorporate the First Free Will Baptist Church of Marion township, Marion county;

S. No. 155—To lay out and establish a graded State road in the counties of Meigs and Athens;

S. No. 140—To lay out and establish a graded State road from the Ohio river, opposite Parkersburg, Virginia, to Chillicothe, in the county of Ross;

S. No. 147—To lay out and establish a graded State road from Youngstown, in Trumbull county, to East Liverpool, in Columbiana county;

S. No. 143—To incorporate the Wilksville Lyceum, in the county of Gallia;

S. No. 30—To amend the act entitled "an act defining the powers and duties of justices of the peace and constables in criminal cases," passed March 27, 1837, and the act amendatory thereto;

S. No. 50—Further to amend the act entitled "an act to incorporate the town of Milan," passed February 23, 1833;

S. No. 79—To incorporate the trustees of the Ohio Wesleyan University;

S. No. 77—To incorporate the town of Tiffin, in the county of Seneca;

S. No. 154—To amend an act entitled "an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject," passed March 1, 1834, and also an act amendatory thereto, passed March 19, 1840;

S. No. 112—To incorporate the United Brethren in Christ of Cincinnati;

S. No. 131—To incorporate the Third New Jerusalem Society of Cincinnati;

S. No. 124—Instituting proceedings against corporations not possessing banking powers and the visitorial powers of courts, and to provide for the regulation of corporations generally;

S. No. 158—To incorporate the First Methodist Episcopal Church, of Fitchville, in Huron county;

S. No. 118—To incorporate the Wardens and Vestry of Christ Church, in Warren, Trumbull county;

S. No. 149—To incorporate the Findlay Literary Lyceum, in the county of Hancock;

S. No. 144—To incorporate the town of Malta, in the county of Morgan;

S. No. 101—To incorporate the Troy and Stillwater turnpike company;

S. No. 138—To incorporate the Wardens and Vestry of St. Stephen's Church, Liverpool, in the county of Columbiana;

S. No. 59—To amend the act entitled "an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed the 9th day of March, 1839.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills, to which the signature of the Speaker of the Senate is requested:

S. No. 169—Supplementary to the act entitled, "an act further to amend an act providing for the appointment of the Board of Bank Commissioners, and for the regulation of Banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the Banks within the state of Ohio, passed February 18, 1842;

S. No. 120—To authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest and southeast quarters of school section sixteen, in said township, in the county of Perry;

S. No. 127—To authorize the sale of school section number sixteen, in Brady township, Williams county;

S. No. 130—To incorporate the First Regular Baptist Church, in the town of Mansfield, Richland county;

S. No. 54—Further to amend the act entitled, "an act to incorporate the town of Salem, in the county of Columbiana;

No. 151—To incorporate the Euphemia, Lewisburg and West Alexandria Turnpike Road Company;

H. No. 51—To authorize the sale of the residue of section sixteen, in Richland township, in the county of Jackson;

H. No. 299—To incorporate the Bath High School of Bath, in the county of Summit;

H. No. 251—To incorporate the First Regular Baptist Church of the town of Springfield, and county of Clark;

H. No. 244—To incorporate the German Lutheran and Reformed Congregation of St. Paul's Church, in Columbus, in the county of Franklin;

H. No. 226—To incorporate the Little York and Fredericktown Turnpike Company;

H. No. 309—To incorporate the First Baptist Society of Royalton, in the county of Cuyahoga;

H. No. 224—Further to amend the act entitled, "an act to incorporate the city of Ohio;"

H. No. 213—To amend an act to establish the Miami University, and appointing trustees for the same;

H. No. 243—To establish a free Turnpike road from Lima, Allen county, to Perrysburg, in Wood county;

H. No. 250—To incorporate the First Baptist Church of Bath, in the county of Summit;

S. No. 159—To divorce Hannah J. Herrick from her husband, George W. Herrick;

S. No. 139—To incorporate the town of Rosseau, in the county of Morgan,

S. No. 96—To change the name of the town of Petersburg, in the county of Richland;

Also, the following resolutions, viz:

Relative to the distribution of the laws and journals of this General Assembly;

In relation to the distribution, in the several counties, of the collated statutes of the state, and for furnishing copies of the Ohio reports to the counties of Carroll, Scioto and Vanwert.

Attest:

GID. M. AYRES, *Clerk.*

The Speaker of the Senate signed the above enrolled bills.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to House bills Nos. 118, 57, 95, 153, 188, 299, 92 and 151.

The following bills have been read the third time and passed:

S. 58—Declaratory of the forty sixth section of the act entitled, "an act relating to wills."

S. 137—To amend the act entitled, "an act to revive and amend an act entitled, an act to incorporate the Circleville and Washington Turnpike Company," passed March 5, 1839, with amendment.

S. 151—To incorporate the Euphemia, Lewisburg and West Alexandria Turnpike Company.

S. 154—To amend an act entitled, "an act to incorporate and establish the city of Cincinnati, and for revising all laws and parts of laws heretofore enacted on that subject," passed March 1, 1834, and also, an act amendatory thereto, passed March 19, 1840.

S. 20—To authorize the sale of school section number sixteen, in Chesterfield township, in the county of Lucas.

S. 127—To authorize the sale of school section number sixteen, in Brady township, Williams county.

S. 120—To incorporate the First Regular Baptist Church, in the town of Mansfield, Richland county.

The House recedes from its amendments to Senate bills Nos. 153 and 159.

The House has passed the following resolutions of the Senate:

A resolution relative to state house.

A resolution relative to the examination of the accounts of the Board of Public Works.

A resolution of instruction to Bank Commissioners.

A resolution relative to the distribution of the laws and journals.

A resolution relative to a day of thanksgiving.

A resolution appointing a reporter to Supreme Court in Bank.

A resolution appointing a trustee for the Ohio Institution for the instruction of the Blind.

The following bills have been read the third time and passed:

S. 122—To authorize the surrender of the residue of section sixteen, in township seven of range five, in Belmont county.

S. 83—To amend the act entitled, "an act for the appointment of guardians," passed February 6, 1824.

S. 165—To incorporate the First Regular Baptist Church and Society in Camden, Lorain county.

S. 168—To amend an act entitled, "an act to provide for the levying a tax on the capital of exchange brokers, and stock jobbers, &c.," passed March 21, 1840.

S. 169—Supplementary to the act entitled, "an act further to amend an act providing for the appointment of the Board of Bank Commissioners, and for the regulation of Banks within the state of Ohio, and to enforce the resumption and continuance of specie payments by the Banks within the state of Ohio," passed February 18, 1842.

S. 120—To authorize the trustees of original surveyed township fourteen, range fourteen, to sell the northwest and southwest and southeast quarters of school section sixteen, in said township, in the county of Perry.

Attest:

GID. M. AYRES, Clerk.

The senate concurred in House amendments to Senate bill No. 137.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills, to which the signature of the Speaker of the Senate is requested:

H. 261—To amend the act entitled, "an act to incorporate the Jefferson, South Charleston and Xenia Turnpike Company," passed March 5, 1838.

H. 264—To lay out and establish a state road in the counties of Williams, Henry and Hancock.

H. 266—To incorporate the Elders and Deacons of the German and French Reformed and Lutheran Church of Mount Eaton, Wayne county, Ohio.

H. 267—To incorporate the First Presbyterian Church of Waynesburg, in Stark county.

H. 280—To repeal the charter of the Ohio Insurance Company.

H. 294—To amend the act entitled, "an act to incorporate the town of Covington, in the county of Miami," passed March 3, 1834.

H. 300—To amend the act entitled, "an act to punish trespassers on the public lands," passed March 31, 1837.

H. 228—To amend the act entitled, "an act to provide for the protection of the canals of the state of Ohio, the regulation of the navigation thereof, and for the collection of tolls."

H. 237—To incorporate the Union Mill Company of Roscoe.

H. 223—To incorporate the Tallmadge Academical Institute of Tallmadge, in the county of Summit.

H. 220—To incorporate the First Regular Baptist Church of Jackson, in Jackson county.

H. 218—To amend an act entitled, "an act to establish a free turnpike road from the south boundary of Champaign county, to Upper Sandusky, Crawford county, and to establish a free turnpike road from Jefferson, in Madison county, to Troy, in Miami county," passed March 17, 1838.

H. 169—To provide for the sale of the residue of section twenty six, in Columbia township, in Meigs county.

H. 163—To incorporate the Dayton, Germantown and Middletown Turnpike Company.

H. 153—To incorporate the Portsmouth Mechanics' Institute and Mechanics' Library Association.

H. 150—To authorize the sale of school section number sixteen, in Clinton township, in the county of Lucas.

H. 138—To incorporate Columbia Lodge, number forty four, of Free and Accepted Masons, in the town of Miami, in the county of Hamilton.

H. 131—Making special provision for the sale of section twenty nine, in Sycamore township, in the county of Hamilton.

H. 95—To authorize the sale of school section number sixteen, in Union township, in the county of Putnam.

H. 92—Making special provision for the sale or revaluation of section twenty nine, in Mill Creek township, Hamilton county.

H. 57—To amend an act entitled, "an act further to amend the act entitled, an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, and to repeal certain acts and parts of acts therein named," passed March 23, 1840.

H. 6—To authorize the sale of school section number sixteen, in Madison township, in the county of Sandusky.

H. 304—To amend an act entitled, "an act to incorporate the town of Reynoldsburg, in the county of Franklin.

H. 302—To incorporate the Batavia Mechanics' Institute.

H. 313—To incorporate the Dayton and Piqua Turnpike Road Company.

S. No. 31—To repeal so much of each and every act of the General

Assembly as empowers any incorporated city, town, village, or borough, within the state, to license groceries or coffee houses, or in any manner confer the power to retail spirituous or intoxicating drinks.

S. 162—To amend an act to incorporate the Philoetian Society of the Western Reserve College.

S. 83—To amend the act entitled "an act for the appointment of guardians," passed February 6, 1824.

S. 161—To incorporate the Bethany Regular Baptist Church of the county of Scioto.

S. 141—To amend the act entitled, "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838.

S. 163—To incorporate the Macedonian Christian Church of Harrison, in the county of Gallia.

S. 152—To repeal the act entitled, "an act for incorporating a Library Society in the town of Granville, in the county of Fairfield, under the name and title of Granville Alexandrian Society.

Also, the following resolutions, viz:

In relation to the Columbus and Sandusky turnpike company.

In relation to printing catalogue of geological specimens.

Requesting the Governor to appoint a day of thanksgiving within the present year.

Appointing Noah H. Swayne, a trustee of the Ohio Institution for the Blind.

Appointing Edwin M. Stanton, reporter for the Supreme Court in Bank.

Appointing Jacob Medary, Wm. Trevitt and Heman A. Moore, a committee to investigate the affairs of the Board of Public Works.

In relation to the Bank Commissioners.

In relation to the state house.

Senate bill No. 76—An act to regulate banking in Ohio.

Attest:

GID. M. AYRES, Clerk.

The Speaker of the Senate signed the above enrolled bills and resolutions.

Message from the House of Representatives.

Mr. Speaker:

The following resolutions have been signed by the Speaker of the House, to which the signature of the Speaker of the Senate is requested:

A resolution instructing the Governor to call a Court Martial.

A resolution relative to certain investigations to be had by Auditor of State, into affairs of railroad companies.

A resolution relating to clerks of the General Assembly.

Attest:

GID. M. AYRES, Clerk.

The Speaker of the Senate signed the above enrolled resolutions.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following resolution of the Senate, to which the signature of the Speaker of the Senate is requested:

A resolution in relation to a National Armory.

Attest.

Geo. M. Ayres, *Clerk.*

The Speaker of the Senate signed the above enrolled resolution.

Mr. Sill, from the committee on Enrolment, made the following report:

The joint standing committee on Enrolment have examined, and found duly enrolled, the following acts and resolutions, to-wit:

Senate, No. 76—An act to regulate banking in Ohio.

Resolution relative to certain Indian reservations by the Ottawa tribe of Indians, and sale of said lands.

Mr. Sill, from the joint standing committee on Enrolment, made the following report; which was agreed to:

The joint standing committee on Enrolment, have deposited the following enrolled acts and resolutions, in the office of the Secretary of State, and have received his certificate therefor, to wit:

An act supplementary to the act entitled, "an act to incorporate the Circleville and Washington Turnpike Company."

Resolution appointing Jacob Medary, William Trevitt, and Heman A. Moore, a committee to investigate the affairs of the Board of Public Works.

Resolution in relation to the Columbus and Sandusky Turnpike Company.

An act to repeal the act entitled, "an act for incorporating a library society in the town of Granville, in the county of Fairfield, under the name and title of Granville Alexandrian Society."

An act to incorporate the Macedonian Christian Church of Harrison, in the county of Gallia.

An act to incorporate the Dayton and Piqua Turnpike Company.

Resolution relative to certain Indian reservations by the Ottawa tribe of Indians, and sale of said lands.

Resolution in relation to the Bank Commissioners.

Resolution relative to certain investigations to be had by the Auditor of State, into affairs of railroad companies.

Resolution in relation to the chief clerks of the General Assembly.

Resolution instructing the Governor to call a court martial.

Resolution respecting a national armory.

An act to incorporate the First Presbyterian Church of Waynesburg, in Stark county.

An act to incorporate the Elders and Deacons of the German and

French Reformed and Lutheran Church of Mount Eaton, Wayne county, Ohio:

An act to amend an act further to amend an act to prohibit the issuing and circulating of unauthorized bank paper, passed January 27, 1816, and to repeal certain acts and parts of acts therein passed, passed March 23, 1840.

An act to lay out and establish a state road in the counties of Williams, Henry and Hancock.

An act to amend the act entitled, "an act to incorporate the Jefferson, South Charleston, and Xenia Turnpike Company," passed March 5, 1838.

An act to amend the act entitled, an act for the appointment of guardians, passed February 6, 1824.

An act to amend an act to incorporate the Philozetian Society of the Western Reserve College.

An act to provide for paying the temporary liabilities of the state, the interest on the state debt, and for other purposes.

Resolution appointing Noah H. Swayne a trustee of the Ohio Institution of the Blind.

Resolution requesting the Governor to appoint a day of Thanksgiving within the present year.

Resolution in relation to the state house.

Resolution appointing Edwin M. Stanton reporter for the supreme court in bank.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, to which the concurrence of the Senate is requested:

A resolution relative to printing certain laws.

The House concurs in Senate resolution relative to appointment of corps of Topographical Engineers.

Attest:

GID. M. AYRES, Clerk.

The House resolution was laid upon the table.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in Senate resolution in relation to compensating the chief clerks of this General Assembly.

Attest:

GID. M. AYRES, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed Senate resolution in relation to the appointment of trustees to a certain turnpike road.

Attest:

GID. M. AYRES, Clerk.

The Speaker of the Senate signed the above enrolled resolution.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to House resolution, instituting an investigation into the management of railroad companies.

Attest:

Geo. M. Ayres, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following resolution has passed the House, to which the concurrence of the Senate is requested:

A resolution in relation to impeachment of C. Neiswanger.

Attest:

Geo. M. Ayres, Clerk.

The above resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the report of the committee of conference, in relation to Senate bill, No. 152.

The House has agreed to the report of the committee of conference, in relation to Senate bill, No. 76.

Attest:

Geo. M. Ayres, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bill, to which the signature of the Speaker of the Senate is requested:

S. No. 137; an act supplementary to the act entitled, "an act to incorporate the Circleville and Washington Turnpike Company."

Attest:

Geo. M. Ayres, Clerk.

The Speaker of the Senate signed the above enrolled bill.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed Senate resolution in relation to appointing trustees of turnpike road.

Attest:

Geo. M. Ayres, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House have reconsidered the vote taken on Senate resolution, in relation to appointing trustees of a turnpike company, and have concurred therein.

Attest:

Geo. M. Ayres, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the fol-

lowing resolution, to which the signature of the Speaker of the Senate is requested:

Preamble and resolution relative to certain Indian reservations.

Attest:

GEO. M. AYRES, *Clerk*.

The Speaker of the Senate signed the above enrolled preamble and resolutions.

Message from the House of Representatives.

Mr. Speaker:

The House of Representatives has finished the business for which they assembled, and are now ready to adjourn.

Attest:

GEO. M. AYRES, *Clerk*.

On motion of Mr. Stanton, it was

Resolved, That the House of Representatives be informed that the Senate has disposed of the business before it, and is now ready to adjourn.

On motion of Mr. Walton,

The Senate adjourned until Monday the 25th of July next, at 9 o'clock, A. M.

Attest:

THOMAS J. MORGAN, *Clerk*.

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- To authorize the trustees of school section sixteen, in Hopewell township, Seneca county, to lease said school lands, 43, 47, 50, 166, 177, 270.
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